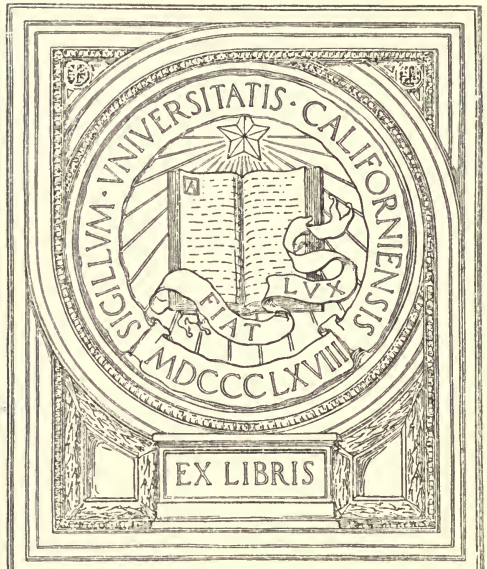
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A HISTORY

OF THE

PEOPLE OF THE UNITED STATES,

FROM THE REVOLUTION TO THE CIVIL WAR.

BY

JOHN BACH McMASTER,

UNIVERSITY OF PENNSYLVANIA.

IN EIGHT VOLUMES

VOLUME VIII.

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To the Memory of
my Mother.

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HISTORY

OF THE

PEOPLE OF THE UNITED STATES.

CHAPTER LXXXVI.

THE UNION IN DANGER.

The failure of Congress, during the long session of 1848, to set up government in New Mexico and California was followed in the autumn by another outburst of feeling North and South.

Citizens in mass meetings, Governors in their messages, legislatures in their resolutions approved or condemned the principle of the Wilmot proviso, and demanded that it should, or should not, be applied to New Mexico and California. The new Governor of South Carolina, in his inaugural, hoped that God would avert the doom impending over the country, but, until He did, let it be known that South Carolina would never consent to meet her co-partners in Federal Council save as an equal and a sovereign; let it be known that she counted all danger as nothing in comparison with political degradation.

Before the legislature adjourned it resolved that the time for discussion had passed, and that South Carolina was ready to join her sister states in resisting, at any and every hazard, the application of the Wilmot proviso. The Governor of Ohio believed that the people had unmistakably decreed, at the late election, that slavery must not be extended and that California and New Mexico must remain forever free.*

* Niles's Register, January 17, 1849, p. 43.

Virginia reaffirmed her anti-Wilmot resolutions of March, 1847, and bade the Governor immediately convene the legislature whenever Congress adopted the proviso, or abolished slavery, or the slave trade, in the District of Columbia.*

The Governor of Michigan, in his message, denounced slavery as politically, morally, and socially wrong, as detrimental to the prosperity and happiness of the people, and thought it should never be extended to territory then free.† The Governor of Pennsylvania was of the same opinion. Governor King of Missouri cared little whether slavery was, or was not, introduced into the new territory. But he cared a great deal for the maintenance of Southern rights, and denied the power of Congress to prevent Southern men entering the territories with their property.‡ The Governor of Massachusetts was sure that if the Congress then sitting did not spread the ordinance of 1787 over California and New Mexico its successor would have to do it. So deep and universal was the conviction that slavery was inhuman and unjust that nothing would more certainly make it insecure where it existed than a determined effort, by its friends, to widen the slave-holding area.§ Illinois called on her delegation in Congress to do all they could to keep it out of California and New Mexico.¶

Polk in his annual message had much to say concerning the duty of promptly providing New Mexico and California with territorial governments; on the folly of allowing a domestic issue, as old as the Constitution, to endanger the existence of the Union; on the need of a spirit of compromise, and suggested three ways of settlement. Leave the question to be answered by the people in each of the territories when they framed a constitution; carry the compromise line across the country from the Rio Grande to the Pacific, which he hoped would be done; or submit the issue to the Supreme Court of the United States. In that event all parts

* Niles's Register, January 31, 1849, p. 73.
† Ibid., January 24, 1849, p. 55.
‡ Ibid., January 24, 1849, p. 60.
§ Ibid., January 31, 1849, p. 73.
¶ Ibid.

of the Union should accept and abide by the decision. If this would not do, then let some other way be found, but suffer not the session to end with the only dangerous issue before the country unsettled.

The advice made no impression, and the House had scarcely settled down to the work before it ere what Southern men called the attack on their institutions began in earnest. Now it was a request for leave to introduce a bill repealing all acts, and parts of acts, maintaining or establishing slavery, or the slave trade, in the District of Columbia.* Now it was a resolution to instruct the Committee on Territories to report a bill or bills providing territorial governments for New Mexico and California and excluding slavery from each. Now it was a resolution offered by Gott, of New York, to instruct the Committee on the District to bring in a bill forbidding the slave trade therein. This was passed, then reconsidered and smothered.

The partial success, the character, the large vote cast in support of these Northern measures so alarmed the Southern members of both parties that, on the night of the day after the passage of Gott's resolution, they met in caucus to discuss the situation.† Some resolutions were sent to a committee which reported a long address to the people of the South. Calhoun wrote it and intended it to be "a clear, correct, but brief account of the whole series of aggressions and encroachments" of the North on the rights of the South. These aggressions consisted, he said, of resistance to the delivery of fugitive slaves, resistance from hostile legislatures, from judges and magistrates, from mobs which rescued the fugitives from the hands of rightful owners; of agitation by the abolitionists who strove to force emancipation and, to bring it about, founded societies, established newspapers, opened debating clubs, employed lecturers, circulated pamphlets and pictures, sent petitions to Congress, and hired emissaries to incite the slaves to insurrection; and, finally, of the attempt to exclude slavery from the territories.

* Congressional Globe, 2d session, 30th Congress, p. 38.
† December 22d, 1848.

Though Congress had been in session but a little over one month, more measures of an aggressive kind had been introduced than in many years. They might not be adopted at that session, but they would be in the near future unless some vigorous measures were taken to prevent it. What could be done to prevent it? The first step, in his opinion, was the union of the South on this vital question. The North might then be made to pause and calculate the consequences and adopt a policy that would end the long controversy between the sections. If not, the time would then have come to decide what course to pursue. At another meeting Berrien submitted an address expressing the views of Southern Whigs, which was reported to the caucus in lieu of that written by Calhoun. But that of Calhoun was adopted and left with the Secretary for signature by the members. By the middle of February but forty-eight Southerners had signed, and the attempt to present an undivided front failed for the present.

State legislatures, however, continued to pass resolutions on the absorbing issue. New Hampshire would forever preserve the whole broad area of free soil from the contamination of slavery, and believed it could not, as a mere local institution, be extended to territory then free without that interference of Congress to which she could never give her countenance or consent. Florida under no circumstances would recognize as binding any act of Congress which shut slavery from the territories south of thirty-six-thirty; would resist the abolition of it in the District of Columbia, and was ready to join Virginia, the Carolinas, and other Southern states in any measure for defense of their rights.

New York believed that, inasmuch as the people of New Mexico had petitioned Congress to give them a free territorial government and protect them against the unfounded claims of Texas to their country east of the Rio Grande, it would be revolting to the spirit of the age and unjust to the people of New Mexico and California to permit slavery to be introduced among them. The existence of prisons for the confinement, and of marts for the sale, of slaves in Washington was seen with deep regret and mortification, and

legislation which should put an end to the slave trade in the District of Columbia was demanded.*

Massachusetts held that Congress had power to legislate on slavery in the territories; that New Mexico and California ought to be free soil, and that neither slavery nor the slave trade ought to exist in the District of Columbia. Wisconsin called for the exclusion of slavery from New Mexico and California; the admission of no more slave States; and the abolition of slavery and the slave trade in the District, and in all other places under the jurisdiction of Congress.

When such expressions of sentiment came up from the States and the people it is not surprising that Congress did nothing. On the opening day of the session Senator Douglas gave notice of three bills to form the territories of Minnesota, Nebraska, and New Mexico, and of a fourth to admit into the Union, as the State of California, all territory acquired from Mexico.

The Committee on the Judiciary reported that it was inexpedient to pass the bills, and proposed territorial governments for California west of the Sierra Nevada mountains, and for New Mexico west of Texas. Douglas then offered a substitute, and, though he strove again and again to have it taken up, the Senate persistently refused to consider it.

While matters were in this shape the civil and diplomatic appropriation bill came up for consideration, and Walker, of Wisconsin, moved an amendment spreading the constitution and certain revenue laws of the United States over the territory acquired from Mexico, and giving the President authority to keep order therein. Extend the Constitution of the United States by law to a territory? exclaimed Webster. Why, the thing is utterly impossible. All the legislation in the world could not accomplish it. What is the Constitution of the United States? Is not its very first principle that all within its influence shall be represented in the legislature it creates, with not only a right of debate and a right to vote in both Houses of Congress, but a right to partake in the choice of President and Vice-President?

* Congressional Globe, 30th Congress, 2d Session, January 17, 1849, p. 280.

And can we, by law, extend these rights, or any of them, to a territory? It is not proposed, said Walker, to extend the Constitution beyond the limit to which it is applicable. It comes to this, then, said Webster, that the Constitution is to be extended so far as practicable. Let me say that in this general sense there is no such thing as extending the Constitution. It extends over the United States and over nothing else, and can extend over nothing else. It cannot be spread over anything save the old States and over such new ones as shall come into the Union hereafter.

The simple question is, said Calhoun, does the Constitution extend to the territories or does it not extend to them? Why, the Constitution interprets itself. It pronounces itself the supreme law of the land. What land? Webster asked. The land, replied Calhoun, the territories of the United States are a part of the land. It is the supreme law not only within the limits of the States, but wherever our flag waves. Wherever our authority goes, the Constitution in part goes. Not all its provisions, but all its suitable provisions. The land, I take it, was Webster's answer, means the land over which the Constitution is established; in other words, the States united under the Constitution. Calhoun, he said, must know that Congress had established principles in regard to the territories that were utterly repugnant to the Constitution. The judge of each court of the United States held office during good behavior. Did the judge of any court established in the territories hold his office in that way? He held it for a term of years and was removable by the President. Did the writ of *habeas corpus* exist in Louisiana while a territory, or the right of trial by jury? Who ever heard of trial by jury there before the law creating the territorial government put it there?

At the close of the long debate the amendment offered by Walker was adopted. But the House struck it out and sent back the bill with an amendment of its own. Late in the night of the last day of the session the question of concurring came up in the Senate, was long and hotly debated, and at a quarter past five on the morning of Sunday the fourth of March, after a scene of excitement and disorder,

the Senate receded from its amendment, and the appropriation bill was passed, and California and New Mexico were left without any organized government.

Yet the session had not been devoid of measures of much public importance. By one act the Director of the Mint was authorized to coin double eagles and dollar pieces. By another territorial government was given to Minnesota. By still others provisions were made for the execution of the treaty with Mexico, the revenue laws were spread over upper California, and a new department, sometimes called Home Department and sometimes Department of the Interior, was established.

For the second time since the adoption of the Constitution the end of a Presidential term fell on Sunday. The ceremonies which attended the inauguration of Taylor took place in front of the Capitol on Monday, the fifth of March.*

The adjournment of Congress without action on the issues of the hour was followed by renewed excitement North and South. Scarcely had the session closed when Missouri expressed her hatred of the Wilmot proviso. The conduct of the Northern States, in her opinion, released the South from all further adherence to the Compromise of 1820. Authority to prohibit slavery in a territory belonged to the people thereof solely, and could be exercised by them only when forming a State constitution. Should Congress enact a law conflicting with this principle, Missouri would be found in hearty co-operation with the slave-holding States in such measures as might be necessary for protection against the encroachments of Northern fanaticism. Her Senators were, therefore, instructed and her Representatives requested to act according to these resolutions.†

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* For his Cabinet Taylor chose John M. Clayton, of Delaware, for Secretary of State; William M. Meredith, of Pennsylvania, for Secretary of the Treasury; Thomas Ewing, of Ohio, for Secretary of the Home Department, or Department of the Interior; George W. Crawford, of Georgia, for Secretary of War; William Preston, of Kentucky, for Secretary of the Navy; Jacob Collamer, of Vermont, for Postmaster-General, and Reverdy Johnson, of Maryland, for Attorney-General.

† Laws of Missouri, 1849, p. 667. Congressional Globe, 31st Congress, 1st Session, pp. 97-98.

That Benton would never do so was certain. In May, accordingly, he said so in a letter addressed to the people of Missouri. It was a strong appeal from the instructions of the legislature. If the people confirmed these orders he would give them, he said, an opportunity to find another Senator to carry out their will. He would do nothing to break the Union,* nothing to array one half of it against the other. Not content with a mere appeal, he took the stump, went from town to town, met the people face to face, and denounced the resolutions as "false in their facts, incendiary in their temper, disunion in their object, nullification in their essence, high treason in their remedy, and usurpation in their character," as a mere copy of those offered in the Senate by Calhoun in 1847, and as intended to deny the right of Congress to forbid slavery in the territories and to declare "a dissolution of the Union if it did." Stung by this charge, Calhoun answered in a long address "To the people of the Southern States." †

The reply was spread far and wide; but the South needed no such appeal. There feeling was all one way, and the only question which concerned the leaders was what to do. Mr. Venable of North Carolina, when he met his constituents, came out boldly for non-intercourse with the North. He would have each Southern State pass laws to prevent Northern men from collecting debts in the South, to prohibit Northern ships entering Southern ports, and, if any did, he would have them confiscated.‡ An editor in South Carolina called on the people to stop reading Northern newspapers. Shall we, he said, encourage the Northern press? It is hard to persuade Southern men of the impropriety of reading Northern prints, those "vehicles through which we are taunted and insulted, because they are cheaper than our own." He was surprised by the number that came through the mail.§ Not everything which came by post

* Niles's Register, May 23, 1849, p. 332.

† Pendleton Messenger, July 14, 1849. Charleston Courier, July 17, 1849.

‡ Niles's Register, May 9, 1849, p. 302.

§ Abbeville Banner, Niles's Register, May 30, 1849.

from the North was read, for, when the postmaster at Laurensville one day found one hundred and fifty abolition pamphlets in the pouches, he made the fact known, and the people burned them in the public square.*

Save in South Carolina, the demand for disunion was nowhere so strong as in Mississippi. Political leaders, angry over the adjournment of Congress without action on the slavery question, sent forth a call for a great primary of the people at Jackson. May seventh it was held and the counties urged to choose delegates to a State convention to meet in October and deliberate on the controversy between the North and the South.

A copy of the resolutions was sent to Calhoun with a request for advice as to what the convention should do. The one hope of saving the Union, he replied, lay in a Southern convention, the duty of which should be to put forth, in solemn form, the grievances of the South and what must follow if they were not redressed. To it should be bidden all who desired to save the Union, all who, if forced to choose between submission and disunion, would choose disunion.† His advice was taken, and from the meeting at Jackson in October came resolutions condemning the policy of Congress and calling a convention of Southern States to meet at Nashville on the third of June, 1850.

That the fate of the Union hung on the action of Congress was plain to be seen. The late elections had sent to the House of Representatives one hundred and twelve Democrats, one hundred and five Whigs, twelve Free Soilers,‡ and one Native American. The roll having been called, the first duty of these men was to elect a Speaker. The Democrats put forward Howell Cobb of Georgia; the Whigs Robert C. Winthrop of Massachusetts, and the Free Soilers

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* Philadelphia North American, July 25, 1849.

† Calhoun to Judge Tarpley, July 9, 1849, National Intelligencer, June 4, 1850. See also Calhoun to Mearis, April 19, 1849, Correspondence of John C. Calhoun, Report of the American Historical Association, 1899, Vol. II, pp. 765-766.

‡ One from New Hampshire, 2 from Massachusetts, 1 from New York, 1 from Connecticut, 2 from Pennsylvania, 3 from Ohio, 1 from Indiana, 1 from Wisconsin. The Native came from Pennsylvania.

David Wilmot of Pennsylvania. Neither had a majority, and when others had been put forward and fifty-nine ballots counted it was agreed that the roll should be called three times, and, if no member received a majority of the whole number of votes, it should be called a fourth time, and whoever received the largest vote, if a majority of a quorum, should be declared Speaker. Winthrop, Cobb, and Wilmot then became again the party candidates, and when the third call ended Cobb and Winthrop were tied.* Intense excitement was now manifested in every part of the hall. Would the Democrats from Vermont, Connecticut, Ohio, Indiana, Wisconsin, who had stoutly refused to support a Southern candidate, change their votes on the final ballot? Would the Southern Whigs, who would not vote for a Northern man, now come to the support of Winthrop? These were questions no one could answer. Yet on the vote of these men hung the election. Four Northern Democrats from free States, and one Democrat from Alabama, voted for Cobb, who thus received one hundred and two votes, and was elected. Two Whigs from Southern States, and one Free Soiler, came over to Winthrop, who thus received one hundred votes.

It was on Saturday, the twenty-second of December, that the long and bitter struggle came to an end. On Monday the twenty-fourth the members were sworn and the President's message read. By far the greater part was given up to matters in which the people felt no unusual interest. Our foreign relations, the state of the treasury, a canal across the Isthmus of Panama or Tehuantepec, a revision of the tariff, a railroad to the Pacific, a reduction of the rates of postage, an Agricultural Bureau, Army and Navy affairs, and other matters of like concern were passed in review. On the issues of the hour the President wrote with great caution. California, he was informed, would soon apply for admission into the Union. When she did he hoped her application would be favorably received. New Mexico, he believed, at no distant day would likewise seek admission as a State.

* Each had 97 votes.

By awaiting their applications "all causes for uneasiness" might "be avoided and confidence and kind feeling preserved." Those "exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind," he hoped, would not be introduced.

The way having thus been cleared for business, the Senators, with the admonition of the President still ringing in their ears, plunged at once into one of the most exciting sessions the country had ever known, and in a few weeks every one of the "topics of a sectional character," so much dreaded by the President, was before the Senate in the form of a bill or resolution. Douglas presented the memorial and Constitution of Deseret; Foote, a resolution that it was the duty of Congress not to adjourn till suitable governments had been provided for New Mexico, California, and Deseret; Benton, a bill to cut down the area of Texas, admit a State from the territory to be ceded, and pay Texas fifteen million dollars for accepting the new boundary; Foote, a bill to organize territorial governments in California, New Mexico, and Deseret, and to enable the people in a part of Texas, to be called Jacinto, to form a Constitution preparatory to entrance into the Union as a State; Mason, a bill to better insure the return of fugitive slaves, and the President was requested to explain his conduct as to New Mexico and California. He was asked to state whether or not he had appointed a civil or military governor of California; whether or not an agent had been sent there to organize a State government; how the delegates to the convention were elected; whether or not a census had been taken; or anything done to assemble a convention in New Mexico; and why he had said that "at no very distant period the people of New Mexico would present themselves for admission into the Union."

Taylor replied that, on coming into office, he found the military commandant of California exercising the powers of civil governor; but he had made no such appointment, conferred no such authority. His predecessor had done so. He had, indeed, expressed his desire that the people in California and New Mexico should form constitutions, sub-

mit them to Congress, and apply for admission to the Union; but he did not suggest, nor authorize, the formation of such governments without authority of Congress, nor empower any agent to exercise any influence over the election of delegates, over the convention in settling domestic institutions nor over any provisions of their constitutions. In advising early application for admission he sought to put it in the power of Congress, by admitting California and New Mexico, to remove all occasion for bitter and angry discussion of slavery. He therefore renewed the recommendation, made in the annual message, that California be admitted with her present boundary, and that the rest of the territory acquired from Mexico be left under its present government till ready to come into the Union.

This policy, this "President's plan," was denounced by the Democratic press as a cowardly evasion of the Wilmot proviso. Bring in California, it was said, with her free State constitution, and the restriction is unnecessary. Keep New Mexico and Deseret under Mexican law and slavery will be excluded. Will this settle the issue? No! It will leave open this burning question and make it a source of bitterness and strife till the territories seek admission. Ere that day comes events will happen that will shake this country to its center.

Debate having begun on the fugitive slave bill, Seward moved an amendment, giving the negro a trial by jury and the benefit of the writ of *habeas corpus;* Foote made a bitter attack on Seward; Chase, it was announced, wished to speak, and all signs pointed to a heated discussion, when Clay came forward with a plan for the settlement of all pending issues arising from slavery.

After an absence from Congress of more than seven years he had been unanimously elected Senator by the Kentucky legislature, and once again took his seat in the Senate. He came to Washington, he wrote, determined to support any Whig measure for which, in times past, he had struggled. As to the administration, he should not take the lead in upholding or opposing it, but rather seek to be a calm onlooker, rarely speaking, and, when he did, striving to pour

oil on the troubled waters. But he had not been long in Washington before he saw that the waters were more troubled than he supposed. Threats of disunion were heard on every side. By the first week in January he was sure that, if the Wilmot proviso were adopted, and it seemed quite certain that it could be, the leaders of the South would openly declare for secession. So real did the danger appear to be that he began to plan "some comprehensive scheme of settling amicably the whole question in all its bearings." That he should do so was inevitable. That he, who for nearly forty years had been an imperious leader of men, should look quietly on and tamely follow where others led was impossible. He alone must lead, and on the twenty-ninth of January he stepped to the front and presented his "comprehensive scheme of adjustment" in eight resolutions. They declared that California, under her application, for she had not yet applied, ought to be admitted without any restriction on the exclusion or introduction of slavery; that slavery did not exist by law and was not likely to exist, in the country acquired from Mexico; that it was not wise for Congress to put slavery in or shut it out; that a government ought to be set up in the territory not assigned to California without any restriction or condition as to slavery; that the Western boundary of Texas ought to be so drawn as to exclude all of New Mexico, whether east or west of the Rio Grande; that the United States should give Texas a sum of money provided she yielded her claim to any part of New Mexico; that slavery ought not to be abolished in the District of Columbia while it existed in Maryland, unless Maryland consented and due compensation was made to the owners of slaves; that the trade in slaves brought from other States to be sold in the District of Columbia as merchandise, or to be taken to other markets, ought to be abolished; that there should be a more stringent fugitive slave law; and that Congress had no power to hinder the slave trade between the States.

Clay having finished speaking, Senator after Senator rose to protest. Rusk deeply regretted that it was proposed to take one half of Texas to make a peace offering to a spirit

of encroachment on the rights of one half the States. Foote was dissatisfied because the resolutions merely declared that it was not expedient to abolish slavery in the District; because they asserted that slavery did not exist by law in the country acquired from Mexico; and because they questioned the title of Texas to territory east of the Rio Grande. Mason protested strongly in the name of Virginia against the doctrine that slavery did not exist by law in the new territories. Davis declared that he would take nothing less than the Missouri compromise line drawn to the Pacific with an express recognition of the right to hold slaves in the region below it. Downs of Louisiana could not find in the scheme a single concession to the South. Butler of South Carolina held that the Union was not to be preserved by the mere name of compromise, and that Clay's scheme was nothing more. No compromise was needed. Those already made were enough if faithfully observed. Berrien of Georgia announced that before the resolutions could have his support they must be greatly altered and many omissions supplied. They were finally made the order of the day for February fifth.

For the time being the "comprehensive scheme" found little favor. Friends of the administration were quite satisfied with the plan of the President. Moderate Democrats declared the scheme of Clay no compromise at all. Extremists in the South were bent on secession. They would, said one who knew them well, bitterly deplore a settlement of the question. The magnificence of a Southern confederacy, with power, honors, and offices, is a dazzling allurement. They count on annexing Cuba, forming a close alliance with Great Britain, getting Jamaica from her, and adding a part of Mexico. This mad and traitorous scheme occasionally leaks out and the public mind is prepared to embrace it.* The general government is strong, said another, but the different sections of our Republic cannot be kept together by force. People in the North think it can be, and of all signs this is most ominous. Excitement in the South on the slave

* C. S. Morehead to Governor Crittenden, February 11, 1850. MS. quoted by W. H. Smith in A Political History of Slavery, p. 121.

question is far greater than those at the head of affairs realize.* Calhoun and his friends, said a third, are really solicitous to break up the Union. They think that by secession, by excluding Northern ships by heavy duties, by requiring all carriers of Southern staples to belong to Southern ports, and by making all commerce between Europe and the slave States direct, Charleston and the South will flourish. Dissolution, for any cause, is to them the consummation of glory for the South, and now they are happy in the belief that they have a good pretext for disunion.† A newspaper editor who went to Washington to learn the real sentiments of Southern members reported that the Union was surely in danger. Not merely hot-headed South Carolinians, not merely young and inexperienced members of Congress, but men from all parts of the South were firm in the determination to secede unless the North stopped meddling with slavery. Give up the Wilmot proviso, make ample provision for the return of fugitive slaves, and meddle not with slavery in the District of Columbia were the demands of the South. If not granted she would secede. This was not generally believed in the North. South Carolina had cried wolf! wolf! so often that, now when the wolf had come, the North would not believe it. But the South was determined, and the North must decide whether she would have the Wilmot proviso without the Union, or the Union without the Wilmot proviso.‡ On the fourth of February the House of Representatives made its choice, tabled a resolution to instruct the Committee on Territories to report a bill, or bills, for the organization of new territories without slavery, and by so doing voted down the Wilmot proviso to the great delight of the Democrats.

The fifth of February having come, Clay opened the debate on his compromise scheme with a speech which extended over two days.

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* A. H. Stevens to Governor Crittenden, December 17, 1849, MS. quoted by W. H. Smith in A Political History of Slavery, p. 121.

† Francis P. Blair to Governor Crittenden, December 20, 1849, MS. Ibid., p. 122.

‡ Philadelphia Bulletin, February 1, 1850.

The question then became that of reference of the resolutions. Douglas wished them sent to the Committee on Territories; Benton was for a select committee, and when, a few days later, the President received a copy of the California constitution from one of her Senators and formally sent it to the Senate, Foote moved that it be referred to a special committee of fifteen, to which should also go all propositions before the Senate relating to slavery, and that it be instructed to report, if possible, a plan for the final settlement "of the present unhappy controversy." The proposition met with little favor; but Foote persisted, and the following week, when his resolution to provide government for New Mexico, California, and Deseret came up in order of business, he moved that it go to a committee of thirteen, whose duty it should be to mature a scheme of compromise for the adjustment of all the pending issues of slavery. Six members were to be chosen from the free States, six from the slave, and one by the twelve. This met with opposition. Senators wished to speak on these issues, and, while the question of reference was still undecided, Bell of Tennessee offered a new scheme of compromise. He would have California admitted; the Texas-New Mexico boundary settled; preparations made for the admission, some time in the future, of four States to be carved from Texas; and he would have all the vast region acquired from Mexico, save New Mexico and California, made one territory with no restriction on slavery. Hereafter the people in the Territories were not to frame State constitutions till Congress gave them leave; but, when given, they were to be free to arrange, as they pleased, all questions of domestic policy.

In the South these attempts at compromise caused widespread excitement, called forth more threats of secession, and did not a little to help on the movement for a Southern convention. First to act was South Carolina. One night early in December the legislature, in caucus assembled, appointed four delegates at large, two Whigs and two Democrats, and named the first Monday in April as the day when the people in the parishes and districts should elect dele-

gates to meet in conventions on the first Monday in May and nominate two men in each congressional district to be delegates to the Southern convention.*

Voters in Wilmington, North Carolina, saw with anxiety the progress of fanaticism and political dishonesty in the North, and of excitement over slavery in the South, and, because there would be no meeting of the legislature that year, recommended that two men from each congressional district represent the State at Nashville.† In Georgia, in January, the legislature authorized the Governor to call a State convention, if Congress abolished slavery in the District of Columbia, prohibited it in any of the Territories, stopped the slave trade between the States, or admitted California or New Mexico into the Union, appointed two Whigs and two Democrats to represent the State in the Nashville convention,‡ and authorized the people on the first Monday in April to choose two delegates in each congressional district. Louisiana announced that adoption of the Wilmot proviso, or of any measure abolishing slavery in the District, restricting it in the States, or prohibiting it in the Territories, would be a palpable violation of the Constitution and ought to be resisted at "every hazard and to any extremity"; § but the legislature adjourned without action on the proposed convention. Some resolutions recommending the people to elect delegates passed the Senate, but never came to a vote in the House. In Kentucky a resolution proposing that the legislature appoint delegates was laid upon the table of the Senate by a vote of nearly three to one. Nevertheless, delegates were chosen by meetings.

The people of Gadsden County, Florida, heartily approved the call for a Southern convention, and recommended the appointment of delegates in each of the four judicial districts, two from the western, two from the middle, one from the eastern, and one from the southern.

In Alabama the appointment was made by the members

* National Intelligencer, January 11, 1850.
† Congressional Globe, 31st Congress, 1 Session, p. 300.
‡ Pennsylvanian, February 12 and 15, 1850.
§ Ibid., February 15, 1850.

of the legislature acting as a caucus.* Mississippi believed it to be the plain duty of Congress to provide territorial governments for California and New Mexico, and guarantee civil and political rights to citizens moving into them. She admitted the right of the people in a territory, when framing a constitution, to put in it any political principles they pleased, and denied that Congress could reject it because slavery was or was not forbidden. The question of admitting California was referred to the Nashville meeting, and both houses, in joint session, elected four delegates at large and two from each congressional district. Against this twenty-seven members, twenty-four of whom were Whigs, protested. No authority, they said, had been given the legislature to elect.† Tennessee refused to act. Just before adjournment the Senate resolved that it was no part of its duty to aid in organizing a Southern convention; that if such were desired by the people it belonged to them, in their primaries, to appoint delegates. The lower house dreaded the effect of a dissolution of the Union on themselves, their children, and the world, would stand by the Union at all hazards and to the last extremity, and believed the only way to preserve it in its original purity was to resist, at all hazards and to the last extremity, any attempt to violate the spirit and intent of the Constitution.‡ Virginia advised her citizens to hold primaries and choose delegates to conventions in the congressional districts, each of which should appoint two men to go to Nashville. Should the Wilmot proviso, or any act abolishing slavery in the District, or the slave trade between the States, be passed by Congress, the Governor was to call a State convention to determine the mode and measure of redress, and elect delegates to a Southern convention.§ Texas left the question of a convention with the people, but recommended them to ap-

* Pennsylvanian, March 1, 1850.

† Laws of Mississippi, 1850, chapter 352. National Intelligencer, March 21, 30, 1850, Senate Miscellaneous Documents, 31st Congress, 1st Session, Vol. 4, No. 110.

‡ Congressional Globe, 31st Congress, 1st Session, p. 417.

§ Pennsylvanian, February 12, 1850.

point four delegates from each congressional district.* When the election was held early in March no one in Galveston voted; Houston declared against a convention, Harris County did the same, and the attempt ended in failure.

This action on the part of the South aroused the North, and in cities large and small "Union Meetings" were held. That at Philadelphia asserted that the Wilmot proviso was not a harmless political speculation, an abstraction excused, if wrong, by its alleged philanthropic intent, but an ancient, aristocratic, pernicious, pestilent heresy which sought gradually to undermine State sovereignty, consolidate the Union, and set up, on the ruins of State rights, a central government. The meeting rejoiced that the House of Representatives had laid on the table the Wilmot proviso, believed that the issue of slavery did admit of adjustment and should be settled speedily and settled forever. Another Union Meeting in Castle Garden, New York, approved the compromise measures of Clay, and, that the people might know what they were, formally embodied his resolutions in its proceedings.† Democrats objected to this, and held an anti-Wilmot proviso meeting in Tammany Hall, and announced they would hail with delight the admission of California; that the Wilmot proviso was a political heresy unknown to the fathers of the Republic, and that the Union must and should be preserved.‡ At the Baltimore meeting a like devotion to the Union was expressed.§

Washington was now full of rumors as to what Taylor, Webster, and Calhoun would do. Webster "would throw himself bodily into the flood" and propose a scheme of compromise by which the line thirty-six-thirty should be carried to the Pacific. Calhoun had written out a speech to be read to the Senate by Senator Butler. It was to be his last manifesto, his last appeal to his countrymen, after which he would resign and go back to South Carolina.¶ In

* Pennsylvanian, March 14, 1850.
† New York Herald, February 26, 1850.
‡ Ibid., March 3, 1850.
§ Baltimore Sun, March 4, 1850.
¶ The Union, February 26, 1850, quoting the Baltimore Patriot.

part this was true, for, when the resolutions of Bell were read and ordered printed and the Senate was about to take up those of Clay, Senator Butler arose and asked that on the following Monday Calhoun be permitted to present his views on the compromise. It would not be possible for him to address the Senate in person. He must request, therefore, that his remarks be read. Butler was about to put a motion for that purpose, when he was interrupted by assurances that no motion was necessary, that the mere request was enough, that not even an entry on the journal need be made, that consent was unanimously given.

On Monday, the fourth of March, accordingly, the argument of Calhoun was read by Senator Mason. It could no longer be denied, he said, that the Union was in danger. Thus was forced on the Senate the most momentous of questions: How can the Union be preserved? Ere that could be answered it was necessary to know what had endangered it; and to this Calhoun replied: "The almost universal discontent which pervades all the States comprising the Southern section of the country." The cause of this widespread discontent was the belief, as prevalent as the discontent itself, that the Southern States could not, as things then were, consistently with honor and safety remain longer in the Union. What had caused this belief? The long-continued agitation of the slave question, and the destruction of that "equilibrium" between the North and the South which existed when the Constitution was adopted. Population in the two sections was then nearly equal; the number of States in each section was equal, and the strength of the two sections in Congress nearly so. But this almost perfect equilibrium had since been destroyed. And what had destroyed it? The operation of time? No, the legislation of the government.

First came that series of acts, the ordinance of 1787, the Missouri Compromise, the organization of the free territory of Oregon, which shut out the South from its share of the common territory belonging to all the States. Next came the tariff acts which had stripped the South of hundreds of millions of dollars and added them to the wealth

of the North. The last was that system of political measures which had changed the character of the United States and turned it from a Federal Republic to a great national consolidated Democracy, and had given the North complete control over every department of government.

Were there no questions of vital importance between the two sections, this state of things might be endured by the South. But there was a question of vital importance on which the views of the two sections were as opposite and hostile as they could possibly be, the question of slavery. In the North some looked on it as a sin they were in duty bound to destroy; some as a crime against humanity, and some as a blot on the character of the nation. The South, on the other hand, felt bound by interests and safety to defend it.

From this hostile feeling of the North against slavery had come the attack on it which began in 1835, and had gone on till the very existence of the Union was in danger, and unless stopped would force the South to choose between abolition and secession. No single blow could break the Union. The chords which bound the States were too many and too strong for that. Some were spiritual, some political, some social. But one by one they were snapping.

How, then, was the Union, so near its end, to be saved? Not by eulogies; not by cries of "Union, Union, glorious Union." Not by professions of devotion; not by invocations of the name of Washington; not by the plan offered by the Senator from Kentucky. The Union could be saved in but one way: by a full and final settlement of all the questions at issue. The South had no compromise to offer, no concessions to make. She asked but for justice, and less she ought not to take. Would the North be just, give her equal rights in the territories, send back her fugitive slaves, stop the abolition agitation, and so amend the Constitution as to restore the power she once held of protecting herself? Would the North agree to do this? It was for her to answer.

Southern members were delighted with the speech. Each one, it was said, has ordered from one to three thousand copies, and four have subscribed for forty thousand. At

least a quarter of a million will be needed to supply the demand. They will be sent over all the South. Northern Democrats deplored the speech. Calhoun's idea of a Constitutional amendment, it was said, is absurd. His demands, far beyond what the people will ever dream of asking, will never be conceded and are unreasonable.

The time had now come for Webster to speak. For weeks past friends and admirers, known and unknown, had besought him by letter to speak for the Union. "Pardon this intrusion and the boldness implied in the address," wrote Dr. Furness. "But I must bear the folly of the presumption, for I cannot but obey the impulse, that I have long felt, to express to you, sir, my deep conviction that if Daniel Webster would only throw that great nature, which heaven has given him, into the great cause of the world, the cause of human freedom, his fellow citizens, his fellow men, would behold such a demonstration of personal power as it is seldom given to the world to witness." *

"Do it, Mr. Webster," said an unknown admirer, "as you can do it, like a bold and gifted statesman and patriot; reconcile the North and South, and *preserve the Union.* Blessings will attend you if you succeed, and your name will be embalmed in the hearts of your countrymen." † "Sir," another wrote, "if you make a speech on the compromise bill that will settle the controversy between the North and South, please send me one of those speeches." ‡ "Let me," wrote a third, "tell you in a few words that the hope of the community never before so hung on the wisdom, eloquence, and power of one man as it does at this moment on yours. Your speech on Foote's Resolution was a turning point in your life. Your speech this week may be the turning point in the life of this nation." §

For a while Webster was not inclined to make a speech. So late as the middle of February he was sure there would

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* W. H. Furness to Webster, January 9, 1850. Van Tyne, The Letters of Daniel Webster, pp. 389-390.

† Webster MSS., New Hampshire Historical Society.

‡ Ibid.

§ Ibid.

be no disunion, no disruption, that California would come in, New Mexico stay out, and things cool off. There was no danger, and after much thought it seemed best to hold his peace. Should the time come when it would be wise to make a temperate, national, practical speech, he would do the best he could. Meantime let the North keep cool.

The time having come, Webster carefully prepared his practical speech,* and when Mason had finished reading secured the floor for the following Thursday, and further consideration of Clay's resolutions went over to Wednesday. On that day Walker had the floor and was still in the midst of his speech when the Senate adjourned. He was, therefore, entitled to continue on Thursday, March the seventh. Early in the morning of that day every avenue of approach to the Capitol was crowded with people, and long before noon the gallery was packed, and the floor of the Senate Chamber invaded by women. Had the accommodations, said one who was present, been tenfold greater, they would not have been enough. The spectacle from the thronged gallery was imposing. No spot was left untenanted.

The Vice-President having declared Walker entitled to the floor, he rose and said: "Mr. President, this vast audience has not come together to hear me, and there is but one man, in my opinion, who can assemble such an audience. They expect to hear him, and I feel it my duty, therefore, as it is my pleasure, to give the floor to the Senator from Massachusetts."

After thanking the Senator from Wisconsin for his courtesy, Webster began that famous argument which he called "The Constitution and the Union," but which his countrymen have ever since known as the Seventh-of-March Speech.

"I wish to speak to-day," said he, "not as a Massachusetts man, nor as a Northern man, but as an American. . . . I speak to-day for the preservation of the Union. 'Hear me for my cause.' . . . It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions and govern-

* Van Tyne, The Letters of Daniel Webster, pp. 393-403.

ment." The causes of these were the war with Mexico, the conquest of California, the discovery of gold and the wild rush of gold seekers, the formation of a free State constitution, and the dispute over her admission because of the exclusion of slavery from her soil. The whole history of slavery in ancient and modern times was then passed in review. He described the state of public opinion when the ordinance of 1787 was enacted and the Constitution framed, and asserted that it was then believed that slavery must soon die, and that so far as it was in the power of Congress to stop its spread that power was then used to the utmost.

But public opinion had changed since those days, had changed North and changed South. The North had grown more and more warm against slavery and the South more and more warm in defense of slavery. What was the cause of this change of feeling in the South, he asked, and answered, the cultivation of cotton. As it became more and more widely grown there came a longing for new areas on which to grow it, and one by one the Georgia cession, Louisiana, Florida, and then Texas, great and vast and illimitable Texas, were added to the Union. The slave-holding States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Florida, and Texas were formed, and every acre of land capable of cultivation by slave labor between the Capitol and the Rio Grande was taken. There was not at that moment within the United States one foot of land the character of which as free soil or slave soil was not fixed by some law, some irrepealable law, beyond the power of the action of Congress.

As to California and New Mexico, slavery was excluded therefrom by a law superior to that which admitted and sanctioned it in Texas, by the law of nature, of physical geography, by the law of the formation of the earth. That African slavery should find its way to California or New Mexico was impossible. They were Asiatic in their formation and scenery, were composed of vast ranges of mountains of enormous height, with broken ridges and deep valleys. There might be in California some tracts of valuable land, but it was not so in New Mexico. What could induce any-

body to go there with slaves? He looked upon it as a fixed fact that California and New Mexico were destined to be free by the arrangement of things ordained by the Power above us. If a bill to give a territorial government to New Mexico were before the Senate, he would not put any prohibition into it whatever; he would not take pains to reaffirm an ordinance of nature, nor re-enact the will of God. He would put in no Wilmot proviso as a taunt or reproach; he would do nothing that needlessly wounded the feelings of others and did discredit to his own understanding.

Having thus, as he said, "established his proposition that every foot of soil in the United States and the territories had a settled character as to freedom or slavery," Webster passed to the complaints of the South against the North. He admitted that fugitive slaves were not returned; he admitted that the South had good ground for complaint because Northern legislatures had petitioned Congress to abolish slavery in the District and even in the States. He admitted the violence of the Northern press, and did not think the abolition societies had accomplished anything valuable, anything good; but, in all these grievances, he could see nothing within the redress of government save the complaint that fugitive slaves were not returned. He denounced the folly of peaceable secession in a fine burst of eloquence, declared there would be no secession, and asserted his belief that the Nashville convention, when it met, would advise forbearance and moderation. He was willing that Texas should be paid for a cession of territory adjacent to New Mexico and north of thirty-six-thirty; he was willing that the Government should pay for the removal of free negroes from the South to any colony or place in the world, and closed his speech with an earnest appeal for the preservation of the Constitution and the Union.*

The speech was indeed a bold one, and as the report of it spread over the country he became the subject of un-

* The speech was carefully prepared. The notes in Webster's handwriting cover twenty-eight sheets of foolscap, and are printed in full in Van Tyne's Letters of Daniel Webster, pp. 393-403.

stinted praise and condemnation. None made in Congress up to that time produced such an effect on the people. Every mail for weeks brought bundles of letters. Said one admirer, "I have read carefully and with reflection your speech of Thursday last. It appears to me if Washington had risen from his tomb and addressed the Senate on that day he would have uttered the words of your speech." Said another, "It was a bold, independent, and dignified discharge of the high duties devolved upon you. The crisis required that the ablest men should come forth in the majesty of their strength and rebuke the fanatics and demagogues throughout the land who, by their mad and treasonable efforts, have basely attempted to shatter the massive pillars of the Union. . . . All honest men now and for all coming time will be grateful for such a fearless and noble illustration of devotion to the stability, prosperity, and glory of the Republic." *

Addresses of approval were sent him by citizens of Boston, Newburyport, Medford, of the towns on the Kennebec River in Maine, and of innumerable places in the Southern, Western, and Middle States. "The clamor for speeches South and West," he wrote his son, "is incredible. Two hundred thousand will not supply the demand." † "Letters," he wrote a friend,‡ "come in thickly and all one way. As soon as we can get a decent edition out, I mean to send a copy to the members of the Massachusetts legislature, and to every judge, lawyer, justice of the peace, doctor, and clergyman in the Commonwealth. And I would send thousands more under my own frank if I could afford it. But other people will send many also." Before March ended "one hundred and twenty thousand have gone off," he wrote, "and I suppose that by the first day of May two hundred thousand will have been distributed from Washington." §

* Webster MSS., New Hampshire Historical Society.

† Ibid.

‡ Ibid.

§ Money to pay for printing the speech in pamphlet form was subscribed in New York and Boston. Van Tyne's Letters of Daniel Webster, pp. 405, 408, 412, 414.

Compromisers, business men with Southern connections, anxious to have the Union saved at any cost, rallied to Webster's support. But from Free Soilers, anti-slavery men, Northern Whigs, Abolitionists, there arose a cry of horror. "Webster," said Horace Mann, "is a fallen star! Lucifer descending from Heaven!" "By this speech," said Giddings, "a blow was struck at freedom and the Constitutional rights of the free States which no Southern man could have given." Not a hundred men of note in all New England, Theodore Parker declared, approved the speech. "Webster," said Sumner, "has placed himself in the dark list of apostates." Whittier mourned for him in verse as for one dead. A member of the Massachusetts legislature denounced him as "a recreant son of Massachusetts who misrepresents her in the Senate." "Daniel Webster," said Henry Wilson, "will be a fortunate man if God, in his sparing mercy, shall preserve his life long enough for him to repent of this act and efface this stain on his name." Said Theodore Parker, "I know of no deed in American history done by a son of New England to which I can compare this, but the act of Benedict Arnold." Lowell called him "the most meanly and foolishly treacherous man I ever heard of," and longed to "tack something to Mr. Webster like the tail which I furnished to Mr. John P. Robinson." *

Webster was followed by Walker, and he in turn by Seward. The matter then under debate was the message of the President transmitting the constitution of California. Seward began, therefore, by asking why should California be rejected. The reasons given by those who would keep her out were that she came unbidden, that the consent of Congress to the framing of the constitution had never been asked; that she had chosen her own boundaries; was too large, and had formed her state government under executive influence, and before a census had been taken, or qualifications of voters fixed by law. Each of these he passed in review and then gave his own reasons why California ought to be admitted.

* Letters of James Russell Lowell, Vol. 1, p. 187.

In the course of our great march across the continent the shores of the Pacific, he said, had at last been reached. The day was near when our whole country, from ocean to ocean, would be peopled, and brought into social maturity and complete political organization. The great question of the hour was, shall this people, having one language, one origin, common hopes, sympathies, and interests, remain one political state, one nation, one republic, or shall it be broken into two hostile and conflicting republics? California was a State. Never could she be made to shrink and shrivel to a dependent territory. She must have a constitution, a legislature, good titles to her golden domain, and she must have these with leave or without leave. She needed a mint, custom-houses, wharves, fortifications, roads, the protection of an army and a navy, and must have them under the Stars and Stripes or under a flag of her own. It was no time to trifle or delay.

But it was said that the coming in of California should be attended by a compromise of issues growing out of slavery. Seward was against any such compromise in whatever form. Against it, because the terms were unequal and impossible; because the price to be paid for the free State of California was everlasting slavery in the District of Columbia, a more stringent fugitive slave law, and the exclusion of the proviso of freedom from the charters of the territories; because the public domain was treated as a possession to be enjoyed, either in common or by partition, by the citizens of the old States. It was indeed a possession. It had indeed been acquired with the wealth or by the valor of the whole nation. Nevertheless, Congress held no arbitrary power over it. "The Constitution," said he, "regulates our stewardship, the Constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty. But there is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the Universe," and must be so used as to secure human happiness in the highest de-

gree. He denied that any climate was hostile to slavery. He denied that slavery was made weaker by diffusion, and he denied that the Union was really in danger and must be saved by compromise. The Union was, not because some men chose that it should be, but because no other form of government could exist in our country. Could it be dashed to atoms to-day, it would rise again in all its magnificent proportions to-morrow.

The speech of Seward aroused the wrath and excited the contempt of the friends of the Compromise everywhere. Webster sneeringly called it a "great and glorious" speech. Clay described it as "Seward's late abolition speech," and declared it had lost him "the respect of almost all men." The press ridiculed the "higher law," and called him a traitor to the Constitution. In the opinion of editors the once dreaded Wilmot proviso had now become a "thing that was," "a bubble that had burst." Since the people had read the speeches of Clay and Webster, "the tide had set strongly against it," and the proviso was "dying the death of the wicked." The Union was in danger, but it would be saved. It had its Clay, its Webster, its Cass. Such men "will save the ship of State, but they will cast the Wilmot proviso overboard." A story which went the rounds of the newspapers represented Taylor as determined to preserve the Union by force. A committee of Southern members, it was said, had waited on him to coerce him with threats of secession. He was determined, he replied, to preserve the Union at any cost, that in case of armed resistance he would blockade every Southern port, call for volunteers from the Northern and Western States, and if necessary pour out his blood in defense of the Union. When told that if he persisted in his policy the Southern members would go home, he exclaimed, "Let them go; there will be enough good men to take their places." *

Thereafter he held to his plan more firmly than ever.

During three months and more all public business was neglected while the warring factions wasted time in fruit-

* Washington Union, March 14, 1850.

less debate. Not one act of national importance was passed by either House of Congress. Though nothing was done, what could not be done was made manifest. It was certain that the Wilmot proviso could not be applied, that the Compromise line could not be carried to the Pacific, that the plan of adjustment offered by Clay was far from acceptable to the people, and that the President's plan would never be approved by Congress.

On the day following the close of Seward's speech, therefore, Foote moved to take up the resolutions of Bell and send them to a select committee of thirteen. Three propositions were then before the Senate: the resolutions of Clay; that of Douglas to send the Constitution of California to the Committee on Territories, to which Benton had offered an amendment instructing the committee to report a California bill "unconnected with any other subject"; and that of Foote. Each proposition was debated till late in March, when Douglas reported two bills from the Committee on Territories. One, Senate 169, provided for the admission of California. The other, Senate 170, for the establishment of territorial governments in Utah and New Mexico. Bill 169 cut short debate over the reference of the California Constitution with instructions, for the committee, without instructions, had reported a California bill "unconnected with any other subject." The reference was, indeed, made the order for April first, but when the Senate met on that day it heard with sorrow of the death of Calhoun on the last day of March.

April eleventh Baldwin's amendment was rejected and a week later the motion of Foote, so modified as to include the resolutions of both Clay and Bell, was carried, with the declaration "that the Senate does not deem it necessary, and therefore declines, to express in advance any opinion, or to give any instruction, either general or specific, for the guidance of the said committee."

On the following day the Committee of Thirteen was chosen by ballot; but the membership had been carefully arranged long before. Politically, six were Democrats and seven were Whigs. Sectionally, six came from the free

States and seven from the slave States.* Three were free State Democrats, and four slave State Whigs.

As accounts of the proceedings in the Senate spread over the country, as the people read of the compromise proposed by Clay, the great speeches of Webster and Calhoun, the threats of disunion, and of the fugitive slave bill offered by Mason, excitement rose higher and higher. In the free States public meetings were held, resolutions adopted, and hundreds of memorials signed and hurried to Congress. Some protested against the passage of the fugitive slave bill; others asked for the repeal of the act of 1793. Scores prayed that a clause be inserted to secure the fugitive a fair trial by jury. Some wanted the trade in human flesh stopped between the States, forbidden in the territories, and abolished in the District of Columbia; others demanded that slavery be shut out of the territories, and abolished in the District of Columbia, and still others, from excited abolitionists, prayed for a dissolution of the Union.

A Free Soil Convention in Rhode Island condemned the proposed fugitive slave law in unmeasured terms. If it becomes law we will not, so ran a resolution adopted by the meeting, so far degrade our common humanity, mock our professions, stultify our convictions, and scoff at the teachings of Christianity as to refuse to clothe the naked, and feed the hungry, panting fugitive, and become the jackals and bloodhounds for man stealers in pursuit of their innocent victim.†

In New York a huge figure of wood and papier mâché, twenty feet high and filled with combustibles, was made in the likeness of a man and labeled, "The Phantom of Disunion." Around it were thirty shields bound together by

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* The Whigs were:
Clay, Ken.
Bell, Tenn.
Mangum, N. C.
Berrien, Ga.
Webster, Mass.
Cooper, Pa.
Phelps, Vt.

The Democrats were:
Dickinson, N. Y.
Cass, Mich.
Bright, Ind.
Mason, Va.
King, Ala.
Downs, La.

† Congressional Globe, May 8, 1850, p. 973. The Convention was held March 16.

a hoop of iron, representing the Union which the figure was trying to break. Beneath the shields was the motto: "Let no man sunder the Union that God formed." After dragging it up the Bowery to Union Square and down Broadway to the City Hall, the crowd gave it to the flames.

On the eighth of May the committee reported and presented bills. The report urged that the question of admitting new States to be made out of Texas be left till such a State sought admission, when the compact with Texas should be faithfully executed; that California come in as a State, that territorial governments without the Wilmot proviso be set up in Utah and New Mexico, and that these two measures be put into one bill; that in this bill be a section so defining the western and northern boundaries of Texas as to exclude New Mexico from her jurisdiction, and giving her a money equivalent; that a more effectual fugitive slave law be enacted, and the slave trade forbidden in the District of Columbia.

Of the two bills one, which soon became known as the Omnibus Bill, provided for the admission of California, for territorial government in New Mexico and Utah * without the Wilmot proviso, and for making proposals to Texas for establishing her northern and western boundary. The other put an end to the slave trade in the District of Columbia. A long amendment to the fugitive slave act was also presented.

Debate on the Omnibus Bill, known officially as Senate 225, began at once. From the very start there was no doubt that it would pass, were it not for the alliance of the administration, the Free Soilers, and the extremists from the South. The cause of this strange union was the California bill. Taylor and his supporters were determined that she should enter the Union, and that New Mexico and Utah should remain under military government till ready to become States. Seward and the Free Soilers agreed with

* Utah was to be all the country east of California, south of Oregon and west and north of the ridge which parted the waters flowing into the great basin from those flowing into the Colorado River and the Gulf of California. In New Mexico was to be included so much of the territory acquired from Mexico as was not within the limits of California and Utah.

Taylor so far as to insist on the admission of California as an independent measure, but strove for the organization of governments in the territories with the Wilmot proviso added. Jefferson Davis and his followers demanded the extension of the thirty-six-thirty line to the Pacific; resisted the admission of California because the State government had been formed under executive dictation, and because her constitution deprived the slaveholder of his right to enter California with his slave property; and labored to defeat all compromise legislation. Different as were their motives, the factions were thus joined in a common opposition to the Omnibus Bill, and the strange spectacle was presented of Seward, Chase, Hale, Benton, Jefferson Davis, Atchison, and Mason contending against a great public measure which Clay, Webster, Douglas, Cass, and Foote approved.

By the press the report was received with little hope that it would ever be accepted by Congress. There was not a Northern feature in it, not a single concession to the free States, not one provision yielded to the demand that slavery be no further extended. It was the most flagrant legislative humbug of the day, a cheat wanting even tolerable plausibility.* The compromise to which the whole country had looked as to a bow of promise had been received with much disfavor in the Senate. More Southern Senators than was expected were opposed to it, and unless some compromise was speedily adopted the California bill would be forced through amidst the stormiest scene that ever shook Congress.† Free Soilers and Provisoists would oppose it bitterly, and these, with the votes of Southern Senators who disliked it because California was to come in with her present boundaries, were enough to kill the Compromise.‡ Disunion was certain, with or without the compromise, unless the North changes in feeling and sentiment. We have no hope of effecting any such change. The time has passed.§

The people, said a Northern journal, are getting tired

* New York Evening Post, May 11, 1850.
† Richmond Enquirer, May 10, 1850.
‡ Wilmington (N. C.) Journal, May 17, 1850.
§ Petersburg (Va.) Intelligencer, June 6, 1850.

of the endless discussion in Congress over California and the compromise. They want action. If Congress were to settle the issue by vote, the intense feeling which has been excited would calm down in less than a month. The people wish to see the end of this useless debate which cannot change a vote.*

The people, indeed, began to hold compromise meetings and urged the speedy settlement of all issues. At New York a petition was drawn up and passed around for signature. The signers were tired of the agitation and discussion that had so long distracted the country; they regarded the bills presented by the Committee of Thirteen as a fair adjustment, and requested the Senators and the Representatives from the city to give them their support.† Citizens of Nashville, of Maury, Franklin, Coffee, Warren, and Bedford Counties, Tennessee; of Frankford, Kentucky; of Albemarle, Virginia; the Democratic members of the Constitutional Convention in session at Lansing, Michigan; citizens of Indianapolis, of Springfield, and a host of other places were for the compromise and a quick settlement of all the issues of slavery.

At this crisis the first Monday in June came and the convention assembled at Nashville. Response to the call had been far from encouraging. Never had the movement been very popular, and what little support the legislatures had given it in January had been greatly dampened by events which happened before June. Clay had presented his scheme of compromise; the House of Representatives by a large majority had voted down the Wilmot proviso; Michigan had withdrawn her instructions to her Senators; Webster had delivered his famous speech, and the Southern press had heartily condemned the proposed meeting at Nashville.

The indifference with which the people of Georgia, a Savannah editor remarked, have received the recommendation of the legislature to send delegates to the convention cannot have escaped the most careless observer. Few meet-

* Philadelphia Public Ledger, May 25, 1850.

† Union, June 16, 1850.

ings have been held, none have been largely attended, and not more than a dozen counties have acted.* Out of a hundred Southern newspapers received by the New York *Herald* seventy-five were for the convention; but in April, out of three hundred Southern journals received by the *National Intelligencer,* only fifty were for the convention, and some of these "were backing down." †

Maryland, said a Baltimore journal, is for a quiet settlement of differences. Whoever thinks she will take part, either with the North or the South, in any measure having the slightest tendency to dissolve the Union makes a great mistake. She will not be driven from her adhesion to the Union by threats from any quarter. She knows its value and will not send delegates to a Northern or Southern convention to deliberate on the propriety of separating the States.‡ Maryland wants no representatives in a Southern convention. No man has a right to pledge her.§ The only Union we love, a Richmond paper declared, is a confederacy of equals, for as equals we entered the Union, and on no other terms will we stay in it. The Southern man should die who would accept, for his State, any other condition. A Charlottesville newspaper thought otherwise, and opposed a convention because the purpose of it was to dissolve the Union. In North Carolina an advocate of disunion remarked that, although the Southern States had remonstrated, argued, entreated, demanded, they had met with nothing but reckless, causeless, insulting trespasses on their rights, and would submit no longer. They desired to live under the Constitution; but if this could not be would "recede and form one for themselves." We can live contentedly with the North, said a Charleston paper, if she will allow us the compact of the Union. We can live without her whenever she resolves to turn that compact into an instrument of oppression. These were the views of the extremists, "the bitter-enders" as they were called; but not of the Whig

* Savannah Republican, March 23, 1850.
† New York Herald, April 10, 1850.
‡ Baltimore Clipper.
§ Kent News.

and much of the Democratic press. Shall we say to half a dozen men from Georgia, it was asked, Go to Nashville and, if you think fit, dissolve the Union, or shall we deliberate at home on the proper course for Georgia to take? We are for the latter. We scout the idea of dissolution, said the Louisiana *Gazette*. The people will rise up in mass and condemn it. A North Carolina paper was opposed to the convention because the purpose of it was unknown, because it could do no good, and must end in mischief or nothing. One in Alabama declared it would not be countenanced by the people. The Wilmot proviso had been voted down by the House of Representatives. What, then, would the convention have to do when it met?

When the election for delegates was held these predictions proved to be true. So few delegates attended the Newbern and Charlotte conventions that they were not organized. In the Wilmington district two delegates were chosen, but both resigned.* An alternate in the first congressional district of Georgia declined. The people, he said, had shown no interest in the convention, and it did not represent their feeling.† In Augusta the total vote for the nominees was but one hundred and forty-six. In neither Macon, Gwinnet, Burke, Cass, Floyd, nor Bibb Counties were one hundred votes cast. In Columbia County there were none. Only half the counties held elections, and the total vote in the State was but a trifle over thirty-seven hundred.‡ Nevertheless, Georgia sent twelve delegates to Nashville.

In Virginia there was strong opposition. A Norfolk meeting voted that it was inexpedient, "at the present time," to hold the Nashville convention. Another at Leesburg Court House declined to appoint delegates, because it was not necessary. At an adjourned meeting in Richmond a proposition to send delegates was voted down. It was bet-

* Letter of Robert Strange and G. J. McRee, May 11, 1850, in Wilmington Aurora, quoted by The National Intelligencer, May 24, 1850.

† Savannah Republican, quoted by Philadelphia Public Ledger, April 2, 1850.

‡ Augusta Chronicle, quoted by National Intelligencer, May 7, 1850.

ter to await the result of the compromise measures. When the election was held the number of votes cast in forty counties, thirteen in the Tidewater, ten in the Piedmont, nine in the Valley, and eight in the Transalleghany divisions, was not twenty-seven thousand.* Two delegates from Richmond and one from Albemarle resigned.

Thus it came about that Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, Arkansas, and Tennessee were the only States represented.†

The resolutions framed by the Union members asserted the common rights of the States to the territories, denied that Congress could exclude any lawful property therefrom, opposed the proviso, called for the extension of the Missouri line to the Pacific, upheld the claims of Texas to the Rio Grande, and declared that slavery existed in the United States under the Constitution. The address drawn by the disunion members denounced the compromise in all its parts, and expressed the belief that sooner or later disunion must come because of the diversity of interest which separated the two sections. Before adjourning it was ordered that the convention should assemble again on the sixth Monday after the end of the session of Congress.

The Nashville Convention, a body dreaded by some, ridiculed by many, and watched with the deepest interest by all, having adjourned without taking steps to dissolve the Union, better feeling began to prevail in Washington, and new attempts were made, it was said, to drag the Omnibus forward. The Utah part of the bill was so amended that when the territory, or any part of it, was admitted as a State it was to come in with or without slavery as its constitution should provide; the California section was so amended that, with her consent, not more than two States might be cut from her domain and admitted, with or without slavery, as the people of each, when seeking admission, should direct; and an attempt to make the Missouri

* National Intelligencer, May 7, 1850.

† From Virginia came 6; from South Carolina, 17; Georgia, 12; Alabama, 21; Florida, 6; Mississippi, 11; Texas, 1; Arkansas, 2; Tennessee, 100. National Intelligencer, June 8, 1850.

Compromise line the south boundary of California was defeated.

It was then the end of June. On the fourth of July Taylor attended the exercises at the Washington Monument where Senator Foote was orator of the day. The heat was intense and the President, who was long exposed to the sun, drank freely of ice water, and on returning to the White House ate cherries and drank iced milk. Shortly after dinner he was seized with cholera morbus, and by the sixth was in so serious a condition that two physicians were called in consultation. By the eighth typhus fever developed and the President was believed to be near his end; but he lingered another day and died on the morning of July ninth. Fillmore was at once sworn into office.

The new President was the son of Phœbe Millard and Nathaniel Fillmore. The father was a native of Bennington, Vermont, but while still a young man moved to the frontier of New York and settled at Summer Hill, Cayuga County, where in January, 1800, Millard was born. A defective title forced the father to abandon his farm and move to the town of Sempronius, later called Niles, where he lived till 1829. Dire poverty limited the education of the boy to such as he could get at home and in the rude, ill-taught schools kept for a few weeks each year by some frontier teacher. Books were so scarce, so he stated in later life, that he was nineteen before he saw a copy of Shakespeare, or Robinson Crusoe, or a history of his country, or a map of the United States. At fifteen he was apprenticed to a clothier and spent some years carding wool and dressing cloth, an occupation from which he was rescued in his nineteenth year by Judge Walter Wood. The lad had long wished to study law. This the Judge advised him to do, and offered a place in his office and a loan of money to be repaid when better days arrived. The offer was accepted, the unexpired term of the apprentice was purchased, and during two years young Fillmore read law, taught school, and surveyed land. When of age he entered a law office in Buffalo, supported himself by teaching school in that city, and after the lapse of a couple of years was admitted

to practice in the Court of Common Pleas. Distrusting his ability to compete with the bar of Buffalo, he removed to the little village of Aurora, and by 1828 had risen to such prominence that when the anti-Masonic excitement swept the State he was elected a member of the legislature from Erie County by the anti-Masons. In the Assembly he served three terms and led the struggle which ended in the abolition of imprisonment for debt in 1831. In 1832 he was elected to Congress, became a warm supporter of Clay, and when the opponents of Jackson took the name of Whigs, in 1834, Fillmore with thousands of other anti-Masons joined the party. In 1836, 1838, 1840, he was elected to Congress, where he opposed the postponement of the payment of the fourth installment of the surplus, defended the right of petition, supported the New Jersey Whigs in the Broad Seal War, and, as Chairman of the Committee of Ways and Means, reported the tariff of 1842. In 1844 he was the choice of New York for Vice-President, and received some votes in the Whig National Convention. Later in that year he was nominated for Governor of New York, and was defeated by Silas Wright; but in 1847 he led the Whig ticket to victory and was elected Comptroller, a place he held when chosen Vice-President.

Fillmore having become President, the Taylor Cabinet promptly resigned. Clay was thereupon offered the Secretaryship of State, but at his suggestion it was tendered Webster.* He accepted, the policy of Taylor was reversed, and the whole influence of the administration was used in behalf of the compromise. But it was not till July thirtieth that discussion of the Omnibus Bill ceased and the work of destruction began. Section thirty-nine, relating to the Texas boundary, was then stricken out. On the day following the sections providing a territorial government for New Mexico and those concerning California met the same fate. The

* The other members of the Cabinet were, Secretary of Treasury, Thomas Corwin, Ohio; Secretary of War, Charles M. Conrad, Louisiana; Secretary of Navy, William A. Graham, North Carolina; Secretary of Interior, A. H. H. Stuart, Virginia; Postmaster-General, Nathan K. Hall, New York; Attorney-General, John J. Crittenden, Kentucky.

boundary of Utah was changed to the summit of the Rocky Mountains, and all that remained of the Omnibus Bill was then entitled "An act to establish territorial government in Utah."

When the California sections were stricken out Clay took his hat, passed smilingly out of the Senate chamber, and set off for Newport in search of rest. August second the Utah bill was passed, an action received by the people with mingled feelings of anger and derision. The Omnibus, said a news writer in reporting the vote, has been upset and all the passengers save one killed. One lone passenger, said another, after a long and rough ride has alighted from the Omnibus. In many places in the North the murder of the Omnibus Bill, as its defeat was often called, caused much excitement. That Utah, sparsely settled, poor, and inhabited by a people so offensive that they had been driven by force from Missouri and from Illinois, should be given a government, and California, rich, populous, and prosperous, should be refused admission, aroused no little indignation. But the feeling went down when it was known that measures which could not pass, when joined, were quite likely to pass when separated.

Douglas now called up his California Bill (Senate 169) reported in March; Pearce of Maryland, who was held responsible for the murder of the Omnibus Bill, introduced a new Texas boundary bill; attempts of Turney and Foote to extend the Missouri compromise line from the Rio Grande to the Pacific, or at least make it the southern boundary of California, were defeated; and Fillmore sent in a message on affairs in Texas.

In January Governor Bell of Texas had dispatched an officer to organize the counties of El Paso, Worth, Presidio, and Santa Fé, all in the disputed country.* At El Paso the work was quietly and easily done; but at Santa Fé the people withstood him and forced him to go back to Texas and the military Governor had summoned a convention to frame a State constitution for New Mexico.† Governor

* Pennsylvanian, February 15, 1850.

† Congressional Globe, 31st Congress, 1st Session, p. 1296.

Bell had protested against the proposed convention as contrary to the compact of annexation and the Constitution of the United States, as insulting to the honor of Texas, and had called the legislature to meet in special session on August twelfth.

The duty of the President in this crisis, it seemed to Fillmore, was plain and peremptory. If the militia of Texas marched into any territory of the United States, there to enforce the laws of Texas, they became trespassers, intruders, and if, forming a combination of persons too powerful to be put down by the civil authorities, they hindered the execution of any law of the United States, or if a civil posse, armed or unarmed, they came with intent to seize persons and carry them away to be tried elsewhere for alleged offenses, they were to be resisted by the United States. He urged, therefore, a speedy settlement of the boundary.

The Texan bill was now taken up in earnest and on the ninth of August was passed. Saturday night, August tenth, Southern members of the House met to consider a report of a committee, and angry at the prospect of the passage of the compromise bills resolved that no citizen could be deprived of life, liberty, or property save by the judgment of his peers, that the fundamental law in the territories was the common law as it existed in the colonies on July fourth, 1776, and the Constitution of the United States so far as applicable; that, if the free States refused to put the life, liberty, and property of American citizens under American law, they would insist that the parallel thirty-six-thirty be drawn to the Pacific, and that south of it the right of property in slaves be recognized. They would not vote for the admission of California unless the southern boundary was the line thirty-six-thirty; they would not accept any boundary for Texas which ceded to New Mexico territory north of thirty-six-thirty, nor consent to the admission of California till the question of slavery in the territories had been finally settled,* a threat which, in time, was made good. Nevertheless, the compromise went rapidly forward. On

* Southern Press, August 12, 1850; Union, August 14, 1850; National Intelligencer, August 15, 1850.

Tuesday, August thirteenth, the Senate passed the California bill. On the fourteenth ten Senators presented a long protest against this act. On the fifteenth the bill, Senate 170, drawn and reported by Douglas in March, and now amended and entitled "An act to establish a territorial government in New Mexico," was passed, and ere the month ended Mason's fugitive slave bill was before the House of Representatives.

On the decision of that body then hung the fate of the compromise measures and, it was generally believed, the permanence of the Union. Now that California had been separated from other issues the Texas boundary had become the test question. Should that bill pass the others, it was said, would surely go through and the country would "be out of the woods." This responsibility was keenly felt by the members of the House, and bred distrust among the factions. Some believed that all Fillmore wished was the admission of California and the settlement of the Texas boundary, and these obtained he would fall back on non-intervention in the territories. Others were of the opinion that, if Utah or New Mexico were organized with the Wilmot proviso, California would not be admitted. A motion was, therefore, made that the order of procedure be New Mexico, Texas, California, and Utah. It was lost, as was another to make the order Utah, Texas, California, and New Mexico, and an attempt to unite the Utah and New Mexico bills. A way out of the difficulty was at last found, and on the sixth of September the House joined the Texas boundary and the New Mexico bills and passed them as one. On the seventh the California admission and the Utah bills went through, and the country was said to be saved.

About sunset on that eventful Saturday, when it was known that two more of the compromise measures had passed the House, the people of Washington expressed their joy by bringing out the cannon of the Columbia Artillery and firing a salute of a hundred guns. When night came rockets were set off, and a great crowd, preceded by a band, marched about the streets and serenaded Webster, Clay, Cass, Foote, Douglas, and Cobb.

Everywhere throughout this broad land, said a Democratic editor, the news is greeted with joy as auspicious of an honorable adjustment. We meet joyful faces everywhere, said a Whig editor. Every man congratulates his friend on the glorious ending of this long and bitter struggle. At New York, on receipt of the news, flags were displayed on every hotel and public building, the shipping was dressed in bunting, a salute of one hundred guns was fired by the Whigs to celebrate "the triumph of union and harmony at Washington," and another of thirty guns in honor of the Committee of Thirteen. The Texas-New Mexico, California, and Utah bills were carried through without difficulty, but when that for the return of fugitive slaves came up it was necessary to resort to the previous question, and thirty-three members from the free States failed to vote. Some were paired; but many sought refuge in the lobby. "I suggest," said Thaddeus Stevens, who, with such Free Soilers as Giddings, Julian, and Horace Mann, voted with the secessionists from South Carolina and Mississippi against the bill, "that the Speaker should send a page to notify the members on our side of the House that the fugitive slave bill has been disposed of, and that they may now come back into the hall."

The Senate now sent down the bill abolishing the slave trade in the District of Columbia, the House passed it, Fillmore wrote "approved" at the foot of it, and the great struggle was over.

By the mass of the people the compromise measures were thankfully accepted. "The Closing of the Drama," "The Country Saved," "Most Glorious News from Washington," "Most Welcome Intelligence," were some of the headings used by the newspapers in announcing to their readers the completion of "the Compromise of 1850." Everywhere throughout our broad land, it was said, it will be greeted with joy. Everywhere it will be hailed as an omen of peace, a bow of promise in a troubled sky. The incubus that weighed down public spirit has been removed, the gloom that overspread the land has been dissipated, and a bright and cheerful day has succeeded. The American

Union has taken a new bond of perpetuity. There is peace where there was discord, rejoicing where there was discontent, confidence where all was dismay. Distant be the day when we are called on to pass through a like ordeal. As by the fiat of the Omnipotent the cry has gone forth to our late distracted land, "Let there be peace" and there is peace. The waves of passion have been stilled, the darkness which overhung the land like a pall is disappearing.

Many, however, were far from satisfied. There were those in the South who resented the admission of California, and there were those in the North who resented the passage of the fugitive slave law. The administrators of it were to be the judges of the United States Courts and such Commissioners as the Circuit Courts might think fit to appoint. They were to be numerous enough "to afford reasonable facilities to reclaim fugitives from labor," and were "to hear and determine the case of a claimant in a summary manner." Neither the presence nor the affidavit of the owner was required; that of his agent or attorney was enough. The alleged fugitive was denied trial by jury, was expressly forbidden to testify in his own behalf, could not summon witnesses, and was subject to the law though he might have escaped years before it was enacted. It was, therefore, an *ex post facto* law and clearly unconstitutional. Should the judge or commissioner decide against the negro his fee was ten dollars; should he find for the negro it was but five. Once delivered into the hands of the claimant, no process could be issued "by any court, judge, or magistrate, or other person whatsoever" for the purpose of hindering the slave-owner in carrying off his property. Should a rescue be feared the commissioner, or any one appointed by him, might "summon and call to their aid the bystanders or *posse comitatus* of the proper county," and every freeman of the North was thereby made a slave-catcher. To "hinder or prevent" the arrest, to "rescue or attempt to rescue," to "harbor or conceal" a fugitive was punishable with a fine of "not over a thousand dollars, or imprisonment not exceeding six months, and by payment to the owner of a thousand dollars for each fugitive so lost."

Should a marshal suffer a negro committed to his care to escape, or to be taken from him by force, he must pay a fine of a thousand dollars and was liable to a civil suit for the value of the slave.

To the fugitive living in fancied security in some Northern city the act of September eighteenth, with its *ex post facto* feature, was a thing of horror, and hundreds, abandoning occupations which had given them a living, fled to Canada. At Pittsburg so many left that the hotels were almost bare of servants.* Several hundred went from New York City. The negro population was frantic, called a mass meeting in one of their churches, and posted hand bills headed "The Fugitive Slave Bill! The Panting Slave! Freemen to be made Slaves!" Thirty fled to Boston.† A canal boat carrying sixteen negroes, well armed, passed Utica.‡ Nearly a score fled from Ithaca;§ at Oswego a report that a fugitive had been arrested brought out the entire negro population, and naught but proof that the rumor was false prevented an attack on the jail. Such was the rush to Canada that an Amherstburg newspaper complained of the crowd that came by every boat and called on the Government to take steps to check it.

And well they might flee, for the signature of Fillmore was scarce eight days old when a vigorous enforcement of the law began. James Hamlet, who for three years past had dwelt in New York, was seized at his work, tried, condemned, and carried in irons to Baltimore.¶ As news of this first case spread over the free States the excitement which it caused swelled the stream of fugitives into Canada. Three who left Lowell were called back by a public meeting which promised to protect them from arrest. "I would say to the colored men of Massachusetts," said one of the speakers, "be calm, courteous, firm, and determined. The man hunters are in the land. Your house, however humble,

* National Intelligencer, September 28, 1850. Union, October 3, 1850.
† New York Herald, October 3, 1850.
‡ Union, October 1, 1850.
§ Ibid., October 1, 1850.
¶ Pennsylvanian, October 1, 1850.

is your castle. You have a moral and a legal right to defend its sanctity against prowling man-stealers. Do it at any cost, at any sacrifice." A Springfield meeting, after listening to inflammatory speeches, advised the fugitives in that city to arm and fight the slave-catchers.* A meeting of negroes in the Belknap Street Church, in Boston, urged the fugitives to be cautious and defend their freedom with their lives.† At Syracuse men of all parties, assembled in the Court House in response to a call, appointed a vigilance committee to see to it that no citizen was deprived of liberty without due process of law, and in resolutions and speeches denounced the fugitive slave act as unconstitutional, diabolical in spirit, and cruel in its provisions. When a fugitive was seized and jailed at Detroit the negroes became so excited that troops were sent to guard the building and three hundred fugitives, it was said, fled to Sandwich, a little Canadian town across the river. A great meeting of friends of freedom, over which the Mayor presided, denounced the law, and money was raised to buy the prisoner's freedom.‡ In Boston the friends of the negro gathered in Faneuil Hall to condemn the law and express sympathy for those subject to it, placed Charles Francis Adams in the chair, listened to speeches by Phillips, Parker, and Frederick Douglas, and adopted resolutions. The preamble referred to the terror of the negroes, and declared the law contrary to the Declaration of Independence, the Constitution of the United States, the *habeas corpus* act, the golden rule, and the divine injunction "not to deliver unto his master the servant that hath escaped." Negroes were urged not to flee, repeal of the act was demanded, and a vigilance committee was appointed to take steps to protect the blacks.§ A meeting in Indiana resolved that it was the determination of all present to make the law powerless in the land by an "absolute refusal to obey its inhuman and diabolical provisions." ¶ A Hartford meeting, on the other hand, saw

* New York Herald, October 3, 1850.
† Pennsylvanian, October 7, 1850.
‡ Ibid., October 15, 1850.
§ Boston Atlas, October 15, 1850.
¶ Indiana True Democrat, November 8, 1850.

nothing unconstitutional in the law, recognized it as the supreme law of the land, and would obey it.*

Just at this time a case occurred in Philadelphia. A negro, claimed as a runaway from Maryland, was seized while at work and hurried before a commissioner. The examination having been continued to the following day, a great crowd of negroes gathered, bent apparently on a rescue. But it was decided that the claimant had failed to make out his case, and the negro was carried off by the crowd with shouts of triumph.† In November Sumner attacked the law in a speech in Faneuil Hall; Burlingame besought the people of Hampshire County to give it no quarter in Massachusetts; and a "preachers' meeting" of Methodist ministers settled in New York, Brooklyn, and Williamsburg resolved that it was an iniquitous, unrighteous, flagrant violation of the law of God. Inasmuch as it denied to the accused trial by jury, *habeas corpus,* and right of appeal, and offered ten dollars for a decision in favor of the claimant and but five for one against him, it was, they held, inconsistent with the Declaration of Independence, the Constitution of the United States, and the objects of our Federal Union as stated in the preamble.‡

Over all the Western country anti-slavery people, Free Soilers, Whigs, Free Democrats, laying aside old differences, joined in hearty condemnation of the hateful fugitive slave law. We deem it the duty of every good citizen, it was said, to withstand, by every proper means, the execution of the law.§ Disobedience to the act is obedience to God.¶ Any man who aids in its execution should be held false to God and totally unfit for civilized society.‖ If the Federal Government has any slaves to catch, let it catch them. We will not aid, nor do we believe any high-minded citizen of the

* Pennsylvanian, October 17, 1850.

† Ibid., October 18 and 19, 1850.

‡ Ibid., November 28, 1850.

§ Resolution of a Cleveland meeting, Cleveland True Democrat, October 14, 1850, cited by T. C. Smith: The Liberty and Free Soil Parties in the Northwest, p. 227.

¶ Highland County, Ohio, meeting. Ibid., p. 227.

‖ Belmont County, Ohio, meeting. Ibid., p. 227.

Union will.* We will not assist in capturing a fugitive slave, though the penalty strip us of all our possessions and put us between dungeon walls.† We will make it powerless by an absolute refusal to obey its inhuman and diabolical provisions.‡ The City Council of Chicago, carried away by public sentiment, declared the law unconstitutional, denounced the members of Congress from the free States who voted for it, or "basely sneaked away from their seats," ranked them with Benedict Arnold and Judas Iscariot, and ordered that the police should not be required to aid in capturing a fugitive slave. On the following evening Douglas, before a public meeting, defended the law so skillfully that resolutions in favor of the execution of it were carried.§ In Michigan, Wisconsin, and Iowa the anti-slavery people were as outspoken and defiant as in Ohio and Indiana.

From the people the feeling spread to the legislatures, which one by one took some action. In Ohio a resolution bidding the Senators and requesting the Representatives to vote for the repeal of the law was lost in the House; but others asking amendment so as to provide for trial by jury, or if that failed a repeal, were passed. In Wisconsin resolutions of a like kind passed the Senate, but not the House.¶

In the South for a time the struggle was quite as sharp. Angry at the loss of California, sure that the North would not execute the fugitive slave law, the political leaders in the cotton States rejected the compromise and called loudly for secession; the people formed non-intercourse associations to cut off trade with the North and shut out the products of Northern labor, and took much of the coastwise transportation from Northern shipowners. The Governor of Florida in his inaugural speech stated his belief that the repeal, or change of the fugitive slave law, would be due notice by the North of its unwillingness longer to abide by the Constitu-

* Washington County, Ohio meeting. Ibid., p. 227.
† Indiana True Democrat (Centreville), November 15, 1850.
‡ Ibid., November 8, 1850.
§ Pennsylvanian, November 11, 1850.
¶ Smith, The Liberty and Free Soil Parties in the Northwest, p. 228.

tion.* The Governor of Alabama in his message upheld secession, recommended non-intercourse with the North, and appealed to Southern men to withdraw their patronage from Northern schools and colleges, and not go North in search of health or pleasure.† Planters of Hinds County, Mississippi, pledged themselves not to ship cotton to, nor buy goods from, any merchant in New Orleans who was a Free Soiler, or who was not, by long residence in the South and by well-known opinions, unquestionably a supporter of Southern interests. Nor would they employ a school teacher nor patronize a school under the management of any person not known to be wholly Southern in feeling and opinion.‡ A New York newspaper prepared a call for a Union meeting to support the compromise, and sent it about among the business men for signature. A few firms refused to sign, were denounced by it as abolitionists, and their names published. Thereupon "The Hornet's Nest and True Southron" of Charlotte, North Carolina, republished the names of the offending firms, added one in Philadelphia to the list, declared they did not deserve a cent of Southern money, and asked Southern editors to keep "the miscreants'" names standing in some conspicuous place in their newspapers.§ Eighteen firms and individuals in Columbus, Georgia, seeing this notice, signed a paper binding them not to trade with either of the firms mentioned or with any other New York house charged with hostility to the institutions of the South.¶

There were those in the South, on the other hand, who

* Pennsylvanian, December 11, 1850. Webster, having received letters from the District Attorneys for Mississippi and Alabama describing political conditions, wrote Fillmore: "It has occurred to me that I might properly answer one of these letters, and in that answer take occasion to set forth, fully and explicitly, the duty of the Executive Government of the United States under the Constitution and the laws, in case of a collision between the authority of a State and that of the United States." It was to "be a good *Union* paper, to send to Congress with your annual message."—Webster to Fillmore, October 25, 1850. Fillmore MSS., Buffalo Historical Society.

† Pennsylvanian, November 16, 1850.

‡ Union, October 24, 1850; Philadelphia Ledger, October 23, 1850.

§ Ibid., November 15, 1850.

¶ Ibid., November 19, 26, 1850.

had no faith in this sort of independence. What was wanted were not resolutions, but factories, machine shops, work shops, locomotives, shoemakers, tailors, blacksmiths, artisans of every sort.* Enforcement of anti-trade resolutions would but increase the dependence of the South on Europe. Before entering on such a course she must be able to supply her own wants by developing her own boundless resources.† Then she could dictate terms to the North; but never while politicians clothed in Northern-made hats, coats, and boots, sitting in Northern-made chairs, at Northern-made tables, with a Northern pen dipped in Northern ink, wrote on Northern-made paper resolutions on the real or supposed encroachments of the North on the South, and Southern editors with Northern type, on Northern presses, with Northern ink, on Northern paper printed the resolutions and circulated them among the people.‡

The Democratic press in the cotton States was strong for secession. We recommend it, said a Mississippi journal; it is a constitutional, peaceable, and safe remedy.§ The issue is at last upon us; submission or resistance is now the only alternative. We shall not hesitate to choose the latter.¶ We believe in the right of secession. We believe the late compromise measures warrant any slave-holding State in leaving the Union, and we believe it is the duty of every such State to secede from the Union as soon as possible.‖ If we submit to this third and greatest robbery, every Southerner will be pointed at as a blusterer.** We frankly say that, so far as we are concerned, we despise the Union and hate the North as we do hell itself.††

* Mobile Advertiser, August 27, 1850; Natchez Courier, August 23, 1850.

† Mobile Advertiser, January 30, 1851; Nashville Republican Banner, September 2, 1850; Natchez Courier, December 10, 1850; Memphis Eagle, January 16, 1851.

‡ New Orleans Bulletin.

§ Natchez Free Trader, September 25, 1850.

¶ Montgomery Advertiser, cited by Washington Republic, October 7, 1850.

‖ Jackson Southron, October 4, 1850.

** Dallas Gazette, cited by Mobile Advertiser, January 4, 1851.

†† Columbus Sentinel, quoted by National Intelligencer, November 15, 1850.

People of Georgia were as bitter against the compromise as those in Mississippi; endorsed the address of the Nashville Convention; urged the formation in every county of associations to bring about unity of action, and demanded the extension of the line thirty-six-thirty to the Pacific. Ere the fugitive slave law was a week old the Governor summoned the State Convention to meet in December,* and a struggle for its control began at once. MacDonald, lately the Governor, aided by Rhett of South Carolina and Yancey of Alabama, led the secessionists. Toombs, Stephens, and Cobb defended the compromise, stumped the State,† and so changed the trend of public opinion that a great majority of the members were Union men.

While the struggle in Georgia was under way the time came for the adjourned meeting of the Nashville Convention. Judge Sharkey, who presided over it in June, and who accepted the compromise, refused to issue the call. Nevertheless, a few delegates from seven States‡ gathered, put ex-Governor MacDonald in the chair, and adopted resolutions denouncing the compromise and asserting the right of secession. The Union, in their opinion, was formed of equal and independent sovereignties, and the powers delegated to the general government could be resumed by the several States whenever necessary. Failure to carry the thirty-six-thirty line to the Pacific, the admission of California as a free State, the setting up of governments in Utah and New Mexico without full protection for slave property, the dismemberment of Texas, and the abolition of the slave trade in the District of Columbia were specified as wrongs perpetrated on the South since the last meeting of the convention. Because of these each county, district, parish in the "assailed States" was urged to suspend all political, social, and trade relations with the North, and form asso-

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* Southern Press, September 24, 1850.

† Stephens asserted that on this tour he traveled three thousand miles. Avery Recollections of A. H. Stephens, p. 27.

‡ Virginia, 1; South Carolina, 16; Georgia, 11; Florida, 4; Alabama, 5; Mississippi, 8; Tennessee, 14; Nashville Banner, November 29, 1850.

ciations to see that non-intercourse was enforced. Southern men were asked not to attend any National Convention, but send delegates to a general congress of Southern States, whose duty it should be to find a means of stopping further aggression, or provide for the independence of the South as a last resort.*

Scarcely had it adjourned when the Mississippi legislature met in special session. Governor Quitman, who called it, gave as his reasons the admission of California and the abolition of the slave trade in the District of Columbia. He saw nothing in the compromise to encourage the hope that there would be an end to agitation. He did not hesitate to say that the only remedy was the prompt and peaceable secession of the aggrieved States. The legislature agreed with him, censured Senator Foote, and called a State convention to meet in November, 1851. Then began a struggle between the Union party and the Southern Rights party. The Union men elected Foote Governor, secured control of the convention, which, when it met in 1851, censured the legislature for calling it without having submitted the question to the people, and maintained that the right of a State or States to secede "is utterly unsanctioned by the Federal Constitution." Missouri condemned the meeting of such bodies as the Nashville Convention, would co-operate with no assemblage of men to foment discord, or alienate one part of the confederation from another, and requested the Governor to return the resolutions to Mr. MacDonald.†

Virginia, in March, 1851, accepted the compromise measures "as an adjustment of the exciting questions to which they relate," and "earnestly and affectionately" appealed "to her sister State of South Carolina to desist from any meditated secession on her part." ‡ Tennessee in 1851 elected a Whig Governor and legislature and by so doing repudiated the action of the Nashville Convention. North

* Pennsylvanian, November 25, 1850; National Intelligencer, November 26, 1850; New York Tribune, November 27, 1850; New York Herald, November 13, 20, 1850.

† National Intelligencer, March 15, 1851.

‡ Acts of Virginia, 1850-51, p. 201.

Carolina appointed a joint committee to consider all matters relating to slavery, for resolutions had been introduced declaring the right of secession, and that repeal of the fugitive slave law would be a good cause, and proposing that the Southern States unite in a demand that all the territories be opened to slavery, or be divided between the North and the South.

In the North Vermont condemned the fugitive slave law,* and Ohio called for its repeal,† but New Hampshire,‡ Delaware,§ Illinois,‖ and Iowa approved and accepted the compromise. When Congress assembled in December, 1850, forty members led by Clay signed a manifesto setting forth that a reopening of the dispute over slavery would be dangerous to the Union, that they saw no means of avoiding such a controversy save by a strict adherence to the compromise, that they would, therefore, withstand every attempt to repeal or alter it, and would not support for President, Vice-President, Senator, Representative, or member of a State legislature any man who would not accept the settlement as final.¶

Extremists of the South, however, were far from satisfied that the law would be executed, and soon had their doubts confirmed by a rescue in Boston. A fugitive named Shadrach, while serving as a waiter in the Cornhill Coffee House, was arrested and taken before Commissioner George T. Curtis. After reading the papers the case was postponed for three days and the prisoner remanded for safe keeping to the deputy marshal. But scarcely had the spectators left the room when a crowd of negroes entered, overpowered the marshal, and carried off Shadrach, who escaped to Canada. News of the rescue was telegraphed to Washington; Fillmore issued a proclamation, and Clay moved a call for information as to whether any further legislation was needed.

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* Acts and Resolves of Vermont, October, 1850.
† Laws of Ohio, 1850-51.
‡ Laws of New Hampshire, June, 1851.
§ Laws of Delaware, 1851.
‖ Acts of Illinois, 1851.
¶ Congressional Globe, January 22, 1851.

Fillmore suggested some changes in the acts of 1795 and 1807 empowering him to use the militia;* but the Committee on the Judiciary, to which the reply was referred, reported that no further legislation was necessary.† Shortly after this report was made, a fugitive named Thomas Sims was seized in Boston and, despite the efforts of counsel, the sympathy of the people, and the condemnation of public meetings, was marched under guard to a ship and sent back to slavery. An attempt to seize a negro at Christiana, Pennsylvania, in September, was defeated by the colored people, and Edward Gorsuch the claimant was killed. Many arrests were made and one of the prisoners, Castner Hanway, a Friend, was tried for treason because it was alleged he had refused to join the marshal's *posse*.‡ In October Jerry McHenry was rescued by citizens of Syracuse, who broke into the court room where he was confined and carried him to safety.

Whig journals in the South were opposed to secession. We cannot understand, it was said, how any State may secede without a dissolution of the Union as to that State.§ The President and every executive officer under him have sworn to execute the laws. If they are resisted, it becomes the duty of the President, his sworn duty, to put down the insurrection with the aid of the Army, the Navy, and the State militia, and war must follow, bloody civil war.¶ However disagreeable such a course would be to the other States and to the President, it would be their duty to suppress resistance to the laws and the Constitution.‖

Of all the vagaries that ever struggled into the brain of a politician, peaceable secession of a State is the most absurd and the least likely to inspire confidence in the patriot-

* Message of February 19, 1851.

† Congressional Globe, March 3, 1851, pp. 828-829.

‡ The History of the Trial of Castner Hanway for Treason by a member of the Philadelphia Bar, 1852. W. U. Hensel. The Christiana Riots and the Treason Trials of 1851.

§ Richmond Whig, November 27, 1850; March 17, 1851.

¶ North State Whig, July 16, 1851; also July 9, 1851, and January 1, 1851.

‖ St. Louis Intelligencer, December 9, 1850.

ism of him who harbors it for a moment.* The secession of South Carolina would be a firebrand thrown among the other Southern States. Civil war between the slaveholding and the free States would follow. Slavery could not survive such a contest. Emancipation would be one of the conditions of peace.† Secession may be a "peaceable remedy" if the States remaining in the Union will consent, and the President forgets his oath of office and makes no effort to enforce the laws. But if he does enforce them and the State resists, what will that be but revolution? The States may be compared to an arch from which if a single block be taken the whole falls in ruin. If one State says, "I will withdraw from the arch, there is more than my share of the burdens of government resting on me," could not other States say, "You may not go, for by so doing you destroy the arch?"

In South Carolina the leaders were strong for secession. When the legislature met in the early winter one member urged that no successor to Calhoun be appointed; that Senator Butler and the Representatives be asked not to go to Washington, and that no presidential electors be chosen. Another wished separate action by the State. What was needed was a Southern Confederacy, and the only way to get it was by secession of the States individually. Let South Carolina go out and the rest would follow her. Another advised the election of delegates to a Southern convention to form a constitution for a Southern Confederacy. If no other slave-holding State would do so, then the General Assembly should declare South Carolina no longer a member of the Union. Before the legislature rose a Southern convention was called to meet at Montgomery, in 1852, and money was appropriated for defense. In the old Northwest the fugitive slave law and the abandonment of the principle of the Wilmot proviso revived the anti-slavery sentiment of the stormy days of Jackson and Van Buren, resistance to slavery became again a moral and religious duty, and once more found expression in action.

* Memphis Eagle, April 14, 1851.

† Savannah Republican, May 30, 1851; also July 3, 1851.

CHAPTER LXXXVII.

SOCIAL FERMENT.

The good news that Fillmore had signed the bill admitting California into the Union was made known to the people of San Francisco one morning in October, when the steamer *Oregon,* dressed in bunting, passed through the Golden Gate, entered the harbor, and displayed a flag inscribed, "California is a State." Business was instantly stopped, the people gathered on Portsmouth Square, and the day was given up to every form of popular expression of delight. At night bonfires blazed and bands played, and on the twenty-ninth of October there was a great parade in which natives, forty-niners, Chinamen, officers of the army and navy, veterans of the Mexican War, and consuls took part. An oration was delivered, an ode read, and a flag with thirty-one stars was raised on the plaza. The first State on the Pacific coast had entered the Union.

Those dwelling on her soil, according to the census of 1850, numbered a hundred and twenty-two thousand souls. But the census was taken while the greatest body of emigrants that had yet crossed the plains was still on its way to her gold fields. Scarcely was the snow off the ground when every boat that came down the Ohio and the Mississippi to St. Louis brought scores of emigrants from Illinois, Iowa, Wisconsin, Michigan. A Detroit newspaper estimated that six thousand would go from Michigan. St. Louis was crowded with people seeking accommodation on the Missouri River boats. The captain of one of them reported that on his way down he counted twenty-nine steamers packed with emigrants, and that eight thousand were assembled at Wes-

ton and St. Joseph.* By the middle of May the landing at Independence was covered with wagons, and so was that at Kansas City. From Weston hundreds of teams were crossing daily. A few miles above St. Joseph seven thousand men, women, and children were said to be gathered. But the great crowd was at St. Joseph, where the number was thought to be not far from twenty-five thousand, dwelling in tents scattered far up and far down the river bank and around the town. In the streets and stores all was bustle and excitement. Buyers were hurrying hither and thither, auctioneers with horses and mules for sale were riding about crying "just a-goin'," and a stream of newcomers was steadily pouring in from the prairie.

Late in April an express, sent from Fort Kearny to warn the emigrants not to set out too soon, arrived at St. Joseph, and a few hours later went on with his message to Independence. He brought word that the spring had been cold and sunless, that no grass had yet appeared on the plains, and that the travelers must not expect supplies of food from any military post along the trail, for the posts had scarcely enough for the troops. They would do well, therefore, to delay their departure.† No heed was given to the warning, and ere the month of April ended the march Westward began. So great was the number that the St. Joseph *Gazette* estimated that at least seventy-five thousand would start for California. Thirty-two thousand had gone from St. Joseph; fifteen thousand had crossed the river between St. Joseph and the Bluffs, six thousand at Weston, and at least ten thousand at Independence, Parkville, and Kansas City. If these figures seemed large it should, the editor said, be remembered that from each of several counties in Missouri upward of four hundred emigrants had gone, that twenty thousand had set out from Iowa, and great crowds from Ohio, Indiana, Illinois, Michigan, and Wisconsin.‡ An agent for P. Choteau, Jr., & Co., when on his way from Laramie with a train of fur-laden wagons, passed

* Louisville Courier, April 22, 1850.
† Washington Union, May 17, 1850.
‡ Philadelphia Ledger, June 21, 1850.

the emigrants and reported thirteen thousand wagons, five hundred footmen, and three wheelbarrow men.*

Most happily we are not dependent on these rude estimates for our knowledge of the size of the caravan that crossed the plains in 1850. Far better are the reports from Fort Laramie. There emigrants were required to register, and from this record it appears that by the twenty-second of May eight hundred and forty-five wagons and twenty-nine hundred and forty-two men, women, and children had passed. This was the so-called light brigade, composed of vehicles drawn by horses or mules, "with a small sprinkling of footmen, wheelbarrow men,† and hand-cart pushers." Every rod of ground from the Fort to the Missouri was then covered with wagons, and by the fifth of June more than twelve thousand men with thirty-four hundred wagons had registered, and some seven hundred had hurried by without stopping. On the eighteenth of June fifty days had elapsed since the head of the great caravan reached Laramie, and during that time nearly thirty-one thousand men, four hundred and thirty-nine women, five hundred and eight children, and seven thousand one hundred and thirteen wagons had passed the Fort. Three days later the emigrants numbered thirty-five thousand and the wagons seventy-five hundred. When July came the stream was sensibly declining, but by sundown on the eighth forty-two thousand souls and nine thousand seven hundred and twenty wagons had passed Fort Laramie.‡

The head of the column had then reached California, and day after day small parties entered Sacramento with horrid tales of suffering on the way. Some had been forced

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* St. Louis Republican, June 20, 1850.

† One of the wheelbarrow men, often noticed by emigrants who saw him on the trail, reached California late in July. Having pushed his barrow containing food, clothing and utensils as far as Salt Lake City, he there found a chance to join a company, and leaving it "by the side of the road" went on with his new companions to California. Alta California, August 6, 1850. Philadelphia Ledger, October 15, 1850.

‡ Thirty-seven thousand five hundred and seventy men; 825 women; 1,126 children and 9,101 wagons; 31,502 oxen; 22,878 horses; 7,650 mules and 5,754 cows were registered. About 2,470 persons with 619 wagons had not registered.

to kill their beasts, abandon their wagons, and, carrying what they could on their backs, subsist on the flesh of horses and mules. Others who came later reported so many dead bodies along the road that the Mayor of San Francisco called a public meeting to devise means of relief for those who must be in distress in the desert. Sacramento did the same, and early in August relief parties were hastening to Carson River with food and animals. One who led such a party from Sacramento wrote back that thousands had been deluded into taking the Hastings cutoff to the Humboldt River, that almost all their animals had died in the desert, and the emigrants were almost starving. Another reported that about one quarter of all he met were on foot and had been forced to eat the putrid flesh of dead animals along the trail. A third declared that the road from Webersville to Carson Valley was strewn with broken wagons, wheels, harness, trunks, dead oxen. Hundreds of traders by this time had hurried into the desert with flour and provisions to sell at extortionate prices, and taking with them grass, water, and mules were gathering the abandoned cattle and wagons.

The stream of gold hunters which for two years past had thus flowed into California had greatly changed the appearance of the country. San Francisco was growing rapidly. Montgomery Street, which in 1849 ran along the water's edge, was now almost in the center of the town, for long wharves had been built, hulks of abandoned ships, to be used as shops and dwellings, had been moored between them, houses had been erected on piles, and filling in had begun. Hills had been cut through, seven miles of streets graded, many provided with plank sidewalks, and hundreds of shanties swept away by a series of great fires. The first, on Christmas eve, 1849, consumed an entire block; but the work of rebuilding began at once, and at the end of a month not a trace of the fire was visible. The second, in May, 1850, swept over three blocks and destroyed four millions of property, and, while rebuilding was under way, a third consumed three hundred houses and five millions of property. In September came a fourth, burning over an area covered with flimsy one-story buildings. The greatest of all was

in May, 1851, when twenty-two blocks were laid in ashes, two thousand buildings burned, and property worth twelve millions destroyed. Save the thinly settled outskirts of the city, scarce anything remained. The end, however, was not yet, and in June for the sixth time fire swept through San Francisco.

Of the population of California a hundred thousand Mexicans, Chilians, Pacific Islanders, Chinese, English, French, Germans, and Americans were busy hunting gold in the placers. Some were in the mining camps scattered along the Mokelumne, Stanislaus, Tuolumne, Merced, and Mariposa tributaries of the San Joaquin. Some were on the Yuba and Feather Rivers, and some on the North, Middle, and South forks of the American River.

Hatred of the "greaser" was early and strongly developed, and in the northern and central mining regions Chilians, Peruvians, even Frenchmen were driven from the placers. Here and there some resistance was made; but in most instances they quietly submitted and went off to the valley of the San Joaquin. Germans, English, Irish were not disturbed, for it was against the dark-skinned races, Malays, Kanakas, Spaniards, and above all Mexicans and South Americans that feeling ran high.

From the camps the animosity spread to the legislature and became the subject of reports in both houses. The Select Committee on Public Domain complained to the House that during the past year swarms of foreigners from the Mexican provinces, from South America, from the isles of the Pacific, from the penal colonies of Great Britain had been working in the mines, that they were adventurers, had no interest in our institutions, and that many were "peons" or "serfs" working under masters, who thus accumulated wealth faster than American citizens. The Senate Committee on Finance reported that tens of thousands of foreigners had already arrived, that they were but the beginning of a vast horde of people from Mexico, South America, New South Wales, and the islands of the South Sea; that the convicts of Chili and Botany Bay were daily dumped on our shores and strove to get the best diggings and

carry from our country immense treasures. The result was the Foreign Miners License Tax law, which provided that after the second Monday in May, 1850, every person engaged in mining, and not a native or made a citizen by the treaty of Guadeloupe Hidalgo, must take out each month a license and pay for it twenty dollars. Had the act forbidden mining it could not have been more severe, for the payment of two hundred and forty dollars a year was a burden the great body of miners could not bear. Thousands left the diggings, sought work in the towns, or were assisted to return to their native land. At Sonora the arrival of the collector, early in May, was followed by meetings of Mexicans, Chilians, and French outside the town. About noon two deputations came in to consult the authorities and asked if the Governor could not suspend the tax. They could and would pay four or five dollars a month; but twenty was more than most of them made above expenses. During the discussion a disturbance arose in the crowd, revolvers were drawn, and the Mexicans left hastily. The citizens thereupon armed and sent an express to the neighboring diggings, and five hundred Americans responded. No trouble ensued and the calmer-minded foreigners held a meeting and petitioned the Governor. Even the Americans thought the tax excessive. In this region there are, it was said, ten thousand foreigners. The tax will, therefore, yield two million four hundred thousand dollars, less three hundred and sixty thousand paid for collection. This is unreasonable.* But no such sum was gathered, for thousands left the placers and abandoned mining. Indeed, the amount paid into the treasury from all parts of the State was but a trifle over thirty-three thousand dollars. The law was repealed, but Sonora lost two-thirds of its population, Columbia ten thousand, and Los Angeles and San Francisco† were crowded with foreigners, and the Chilian Consul paid the homeward passages of eight hundred of his countrymen.‡

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* National Intelligencer, July 10, 1850.

† California Courier, August 6, 1850; Sacramento Transcript, June 29, 1850.

‡ Bancroft. History of California, Vol. 6, p. 405.

The greasers having been driven from the State, the wrath of the native Americans fell next on the Chinese. Till news of the discovery of gold reached Hong Kong in the spring of 1848 and started a migration destined to play a great part in the history of the Pacific coast States, no Chinaman had ever thought of emigrating to California. When at last the stream did begin to flow it was shallow and insignificant. But fifty-four Chinamen and one woman had come by February, 1849. Then the opportunity for migrating afforded by foreign ship owners, and the allurement held out by placards and pamphlets, and the incentive caused by the suffering and misery produced by the Taiping rebellion, so swelled the stream of emigrants that four thousand came by January, 1851, seven thousand five hundred by January, 1852, twelve thousand by July, and over twenty thousand ere the year ended.

At first the Celestials, the China boys, met a warm welcome, and in San Francisco on more than one occasion were the object of public attention. One day in August, 1850, they assembled, by invitation, in Portsmouth Square to be presented with religious tracts in the Chinese language, were addressed by citizens, and invited by the Mayor to take part on the following day in the funeral services held in commemoration of the death of President Taylor. In the parade which a few weeks later celebrated the admission of California to the Union the China boys marched with the natives. So late as the summer of 1851 a San Francisco newspaper called them a "worthy integer of our population," described them as an industrious, quiet, patient people, and declared that, save the Germans, no part of the population was more valuable.*

In the mining camps, on the other hand, the feeling against the Chinese ran high, and meetings were held and resolutions passed calling for their expulsion. Thus at Foster's and Atchison's Bars late in April it was resolved that, as Chinamen were overrunning and occupying a large part of the mining land which by right belonged to none save

* National Intelligencer.

American citizens, no Chinaman should be allowed to hold a claim after the first of May; that they "be required to vamoose the ranch" by that date, and that a committee see to it that they did.* A few days later some sixty American miners came down the north fork of the American River, drove away two hundred Chinese, and destroyed their tents. So strong and widespread was the animosity that the Committee on Mines and Mining Interests took up the matter and reported to the legislature that the State was infested with hordes of Asiatics, that they were the slaves of foreign masters, and that the time was near when they must be shut out of California, and Governor Bigler followed up the report with a special message. To preserve the property and peace of the State, he said, measures must be taken to check the tide of Asiatic immigration. Coolies, sent under contract to work in the mines, should not be suffered to come. They did not seek an asylum from oppression. They did not wish to become American citizens. They sought gold and, having obtained it, left. Two thousand had arrived during the last few weeks, five thousand were under way, and letters from Canton gave assurance that twenty thousand would reach California ere the end of the year. These coolies got free passage, were paid three or four dollars a month, and the gold they mined was taken out of the country by their masters.

Against all this the Governor protested and asked for taxation to check unlimited Asiatic immigration, and for a demand that Congress forbid coolies, shipped under contract, to labor at the mines.† The China boys in San Francisco promptly replied in an open letter. They told the Governor that "coolie" was not a Chinese, but a foreign word; that it meant laborers, and that the men who dug down the sand hills, swept the streets, unloaded the ships in San Francisco would, in China, be called coolies. They scouted his statement that they worked for three or four dollars a month, and reminded him of the twelve Chinese stores in San Francisco. The committee recommended that the Chinese

* Maysville Herald, May 4, 1852.
† New York Herald, June 9, 1852.

be excluded from the mines, and that contracts made in China to labor in California be declared void; but the legislature had the good sense not to take such advice. It did, however, enact another License Law, and gave in the preamble two reasons which moved them thereto. One was that great prejudice existed in the mining districts against foreigners being allowed to work the placer and quartz diggings, because aliens were not liable to the same duties as citizens. The other was the great cost of keeping order. From and after the first of June, therefore, and until such time as Congress should assume control of the mining lands, no person not a citizen, the law provided, should mine gold without a license. The cost of such a permit was three dollars a month. No mention was made of the Chinese. Indeed, the languages in which it was ordered that the law be printed were English, French, and Spanish.*

In San Francisco the Chinese were still high in favor, and bore a conspicuous part in the parades on Washington's birthday and the fourth of July,† and in the funeral ceremonies which followed the arrival of the news of the death of Henry Clay.‡ Indeed, they seemed such desirable citizens that the *Alta California* predicted that the day was not far distant when the China boys would vote at the same polls, study at the same schools, and bow at the same altars as our own citizens.§

Emigration overland from the States fell off greatly in 1851. Prior to the twentieth of May but three hundred and fifteen wagons and less than twelve hundred men, women, and children had passed Fort Kearny, and many of them were bound for Oregon or were on their way with merchandise for Salt Lake. But the tide rose again in 1852. Western journals were astonished at the exodus. A Galena newspaper stated that teams were continually crossing the Mississippi at all the ferries, that three hundred

* Laws of California, Third Session of the Legislature, Chapter XXXVII, approved April 4, 1852.

† National Intelligencer, August 18, 1852.

‡ Ibid., September 6, 1852.

§ Alta California, May 12, 1852.

persons had gone from Mineral Point, and half the inhabitants from Dodgeville, and that the emigration bid fair to rival that of 1850.* Letters from Fort Kearny late in May described the emigration as tremendous. The road was one continuous line of covered wagons, every ravine was full of tents, and every bluff covered with sheep and cattle. More than twenty-six hundred wagons, more than twenty-six thousand oxen and cows, and more than eleven thousand men, women, and children had been registered at the Fort.† When the great caravan had gone by the number of human beings had exceeded twenty-three thousand, the number of cattle fifty-nine thousand, and the number of sheep ten thousand five hundred. Fifty-three hundred wagons and nearly twelve thousand horses and mules had been counted. Thousands more passed along the north side of the Platte and were not counted. Much of the hardship of overland travel had by this time disappeared. Indeed, some conveniences had been introduced. One firm of enterprising men had established stations at Fort Kearny, Fort Laramie, North Fork of the Platte, South Pass, Salt Lake, and at the head of the Humboldt, and once a month sent out a train of ten wagons carrying forty passengers. The fare from St. Joseph to Salt Lake was one hundred dollars and the time twenty-five days. The trip from St. Joseph to Sacramento could be made in sixty days at a cost of one hundred and fifty dollars.‡ Another established an express mail with stations at all the forts and trading posts, in order to give the emigrants a chance to write home.§ As the mail wagon came along an advance courier gave notice of its approach, and the emigrants had thus several hours in which to write their letters. There were now a water station in the midst of the great desert, a relief station on the upper Humboldt, and a hospital on Carson River. The water station was a great blessing, for women and children often reached it with their tongues swollen and forced out

* Galena Advertiser, cited by National Intelligencer, June 4, 1852.
† National Intelligencer, July 10, 1852.
‡ Ibid., May 2, 1852.
§ New York Herald, May 19, 1852.

of their mouths.* In 1853 the wagons that passed Fort Kearny numbered thirty-seven hundred, the cattle one hundred and five thousand, the sheep forty-eight thousand, and the men, women, and children fifteen thousand.† This again did not include those who passed north of the Platte.

Besides the thousands that year after year crossed the plains to California, hundreds of Mormons, mostly from the old world, made their way to Utah. Fillmore having approved the act for the establishment of territorial government made haste to carry it out, appointed Brigham Young Governor, and divided the remaining offices between Mormons and Gentiles. News of the act creating Utah reached Salt Lake City about Christmas time, but the non-Mormon officials did not arrive till June and July of 1851, and were soon involved in an angry dispute with the Governor and the legislature. According to their story, they found that all the people were Mormons, that the Mormon church overshadowed and controlled the acts and opinions of the people, usurped the functions of the legislature and the duties of the judiciary, commanded the troops, disposed of the public lands, coined money stamped "Holiness to the Lord," forced it into circulation at fifteen per cent. above its value, exacted a tenth of everything from its members, permitted the open practice of polygamy, and, in fine, was truly autocratic. They complained that they had been received with coolness and disrespect by Young, that the people were disloyal to the United States, and that during the annual celebration of the anniversary of the arrivals of the pioneers Young had grossly insulted the memory of Taylor.

So bitter did the quarrel become that the non-Mormon officials announced their determination to return to the East, carrying with them the twenty-four thousand dollars appropriated by Congress for the salaries of the officials and the members of the territorial legislature. Young sought to persuade them to stay, and, when they would not, promptly convened the legislature. That body at once passed a resolution commanding the United States Marshal, who was a

* Sacramento Times and Transcript, September 1, 1852.

† National Intelligencer, June 4, July 2, August 16, October 11, 1853.

Mormon, to arrest Almon W. Babbitt, lately delegate from the State of Deseret, who had the money in charge, seize his wagon, carriage, and teams, and search for the money and take it. Babbitt had already started eastward; but he was overtaken in camp some forty miles from Salt Lake City, arrested, and brought back to the city, where the judges discharged him on a *habeas corpus*. The money was not obtained, and Babbitt, the Secretary of Utah, and the non-Mormon judges made their way to Washington and laid the whole matter before the President. Young defended his acts and that of the legislature which petitioned Fillmore to fill the vacancies with men "who are, indeed, residents amongst us," in other words, with Mormons.*

Long before the Mormons were driven into Utah the Church had been making converts in England and urging their emigration to the United States. During the long march westward this work had been suspended;† but once at Salt Lake it was resumed, and in February, 1848, one hundred and twenty converts sailed from England bound to New Orleans. Four more vessels came that year, raising the number to over seven hundred and fifty. During the next year over two thousand came, and by the end of 1853 more than nine thousand three hundred Mormon immigrants had crossed the ocean. The route from New Orleans had been up the Mississippi and the Missouri Rivers to Kanesville, Iowa. But such was the extortion practiced on the foreigners that the place of departure for the overland journey was changed in 1853 to Keokuk and later to Kansas City in Missouri.

The total population of our country in 1850 was more than three and twenty millions. Nineteen and a half millions were whites, three millions were slaves, owned by three hundred and forty-seven thousand five hundred masters,‡

* Executive Documents, 32d Congress, 1st Session, Vol. 5, No. 25.

† Linn. The Story of the Mormons, p. 410.

‡ There were 74,031 cotton plantations; 15,745 tobacco plantations, 8,327 hemp plantations. Alabama, Georgia, Mississippi and South Carolina grew two-thirds of the cotton crop. Maryland, Virginia, Kentucky and Tennessee were tobacco states. Kentucky and Missouri were the hemp states.

and nearly half a million were free negroes. Twelve millions and three-quarters dwelt on the Atlantic slope; more than eight and a half millions in the Mississippi Valley; and fourteen hundred thousand in the Gulf States east of the Mississippi, and three hundred thousand were in the Gulf States west of the Mississippi. In the course of this westward migration more than one quarter of the free persons born in the Southern States had left them for other sections of the country, while but a sixth had gone from the Eastern and middle States, and a tenth from the Southwestern. Between slave-holding and free States there had been little migration, for of persons born in free and living in slave States there were but seven hundred and twenty-six thousand, and of persons born in slave and living in free States but two hundred and thirty-two thousand.

During the decade two hundred thousand had been added to the population of New York City, which now contained over half a million souls. Buffalo, since the census of 1840, had grown from eighteen thousand to forty-two thousand; Detroit from nine thousand to twenty-one thousand; Chicago from less than five thousand to nearly thirty thousand, and Milwaukee from seventeen hundred to over twenty thousand. St. Louis and Cincinnati, Cleveland, and Columbus, Louisville, and Pittsburg had each more than doubled its population in ten years.

Our foreign-born population numbered nearly two and a quarter million. One million eight hundred and sixty-six thousand were in the free, and three hundred and seventy-eight thousand in the slave-holding, section. Not quite a million had come from Ireland; more than half a million from Germany; more than a quarter of a million from England; seventy thousand from Scotland; fifty thousand from France, and ten thousand from Prussia.* In two cities, Chicago and St. Louis, the foreign outnumbered the native-born population.† In the list of cities with large

* Irish, 961,719; Germans, 573,225; English, 278,675; Scotch, 70,550; French, 54,069; Prussians, 10,549; Welsh, 29,968; Austrians, 946.

† In Chicago there were 13,693 natives and 15,632 foreigners. In St. Louis the natives numbered 36,529 and the foreigners 38,397.

Irish population New York led with one hundred and thirty-three thousand. Then in order came Philadelphia, Boston, New Orleans, Cincinnati, Albany, Baltimore, and St. Louis with some ten thousand. The Germans crowded into New York, Cincinnati, St. Louis, Philadelphia, Baltimore, and New Orleans, where, in 1850, eleven thousand two hundred were counted.

Rapid increase of population in the cities had been followed by great expansion in their areas, and from these two conditions had come problems of municipal government with which the people were poorly prepared to grapple. Drunkenness and poverty, vice and crime, riots and disorders there had always been; but the proportions they had assumed put them beyond control by the primitive methods so long in use. Better means of transportation, more efficient police, more orderly and better trained firemen, and cleaner streets were badly needed. In the large cities organized gangs of idle and disorderly young men frequented certain neighborhoods, terrorized decent people, and at times made war on each other. In Williamsburg were the Gilligans; in Philadelphia the Buffaloes, Blood Tubs, Rugs, and Copper Heads; in Baltimore the Stingers. Over them the police had no control. Prior to 1850 police efficiency was nowhere so low as in Philadelphia. The city was touched on three sides by the Districts of Spring Garden, Kensington, Northern Liberties, Southwark, Moyamensing, Penn Township, Richmond, and West Philadelphia. Each was politically a little city by itself. Over these the authority of the Mayor and police of Philadelphia did not extend. A thief, a body of rioters, a transgressor of any sort who crossed Vine Street on the north or South Street on the south was safe from molestation by the police of Philadelphia. As the city and the districts grew in population this condition became so intolerable that in 1850 * a Consolidated Police Force was organized for the whole county and given authority over the city and the outlying districts.

This was a great step forward, added greatly to the

* Laws of Pennsylvania, 1850.

efficiency of the police, and within a year several thousand arrests were made. But the officers wore no uniform. All that distinguished them from citizens was a metal star on the breast. This was held to be ruinous to usefulness, and the charge was often made that in times of serious trouble, street fights, firemen's riots, and disorder cowardly men would take off their badges and so hide their official character. In New York the same conditions existed, and there a remedy was found in an order from the Commissioners that after a certain day in November, 1853, policemen must wear a uniform, consisting of a blue cloth coat with brass buttons, gray pantaloons, a blue cap, and on it the word Police, and the number of the man on the force.* An outburst of indignation followed. The men declared the order was a violation of their rights as free men; that no respecting American would wear livery, and raised a fund of five hundred dollars to test in the courts the authority of the Commissioners to compel them to wear uniforms.† But the order was enforced when the day came.‡

Philadelphia now imitated New York, and by order of the Police Board§ the members of the Consolidated Police were required to wear a prescribed uniform on and after the first of February, 1854. There, too, resistance was made. The power of the Board was denied and the uniform denounced as a glaring violation of Republican institutions, as un-American, aristocratic, and aping the customs of England, and legal advice was taken; but the order was carried out.¶

Meantime in some of the large cities the volunteer fire companies were abolished. Of all causes of disorder they were the worst. Around their houses hung gangs of loafers,

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* New York Herald, November 11, 1853.

† Philadelphia Ledger, November 11, 1853.

‡ Ibid., November 15, 1853.

§ Ibid., November 11, 1853, and November 30, 1854.

¶ In both New York and Philadelphia the uniform consisted of a single-breasted blue cloth coat, with standing collar, nine gilt buttons down the front, two on the hips, and buttons at the bottom of the tail; gray pantaloons, and blue cap. Lieutenants in Philadelphia wore a star on the cap and the name of their district.

"runners," who, when an alarm was rung, ran with the engine and took part in the fight almost certain to occur. Newspapers of the time abound in paragraphs describing such encounters, which lasted for hours and sometimes continued over two days. When fires were infrequent it was not unusual in Philadelphia for a company to set fire to a shed, or kindle a huge bonfire on a vacant lot, lie in ambush, and when a rival appeared attack it and, if possible, destroy the hose cart or engine. At fires it was the common practice of thieves to attend dressed in red shirts, fire hats, and badges, and, bag in hand, enter the burning building and steal whatever was to be had. The Chief Engineer at New York declared it was impossible to prevent this. So uncontrollable did these evils become that Boston and Cincinnati introduced the paid fire department and set an example other cities attempted to follow. A mass meeting of Philadelphia citizens urged its adoption, but the political influence of the volunteer firemen and their hangers-on was too strong, and eighteen years passed before the paid system was adopted. The Mayor of Washington advocated its adoption as the only remedy against rowdyism and riot. It was, he said, idle to attempt anything less radical than the abolition of the volunteer system.* A Committee of the New York Common Councils went to Boston to inspect the system, but nothing was done for many years. Boston was the first to use the fire alarm telegraph,† and Cincinnati the first to use successfully a steam fire engine.‡ So successful was it that in 1855 Boston purchased one. While on its way East it was exhibited and tested in Philadelphia and New York, where a guard was necessary to prevent destruction by the firemen.§

With growth of population in New York and rapid expansion of the city northward the problem of transportation

* Philadelphia Ledger, July 23, 1853.

† 1852.

‡ 1853. Such an engine was used in New York in 1841, under contract with the associated insurance companies, but it was soon abandoned because of its great weight.

§ New York Tribune, February 17, 19, 1855. That year a steam fire engine was used in New Orleans. New York Tribune, July 27, 1855.

of the citizens again became pressing. Nearly six hundred and fifty omnibuses, owned by twenty-seven companies, rattled through the streets.* But omnibuses, and in winter stage sleighs, were too costly and too slow; some means more cheap and rapid was demanded, and the demand was met by building a horse car line from City Hall up Fourth Avenue to Twenty-third Street. Success attended it, and another was opened in 1852; it began at Chambers Street and West Broadway and ended at Sixth Avenue and Forty-fourth Street. Ten cars were put on the line, ran at intervals of ten minutes, and covered the distance in half an hour. Another was built on Eighth Avenue and yet another in Brooklyn. The street most coveted was Broadway, and for the franchise of a road through that great thoroughfare many bids were made. One company offered† a hundred thousand dollars a year for ten years; another one hundred and sixty-six dollars a year for each car in use. But Jacob Sharp and his associates found a way to secure from the Common Council, despite the protests of the citizens, the grant of a right to lay tracks and operate a horse railroad. The Mayor vetoed the bill; but so certain was it of passage over the veto that two citizens obtained an injunction against the Mayor and Common Council. The Aldermen denied the right of the court to restrain them, passed the resolution over the veto, and were summoned to answer for contempt and punished. One Alderman was fined, assessed costs, and imprisoned fifteen days. The rest were fined and made to pay costs, and the road was not constructed.‡

The opponents of the road now went to the legislature and secured the introduction of a bill forbidding the corporation of any city to authorize the laying of rails on any public street or avenue until a previous act of the legislature had fixed the terms and conditions on which the railroad

* A list of the omnibus lines is given in New York Herald, December 31, 1852.

† New York Herald, August 11, 1852.

‡ New York Herald, December 29, 30, 31, 1852; February 6, March 13, 1853. On November 27, 1853, Judge Duer made the injunction perpetual. Among the punished Aldermen was William M. Tweed.

might be constructed. It passed the Senate, but not the House.* Later in the year certain men who had incorporated, under the act of 1850, as the Manhattan Company petitioned the Board of Assistant Aldermen for leave to build a road from Manhattanville to South Ferry by way of Broadway.† Remonstrances against the grant were promptly presented, but the resolution granting the franchise passed both branches of the Common Council,‡ went to the Mayor and was vetoed.§ So confident was the company that the resolution would be passed over the veto late on Saturday night, the thirty-first of December, in the last hours of the term of office of the Common Council, that three thousand men were hired and ready to begin the work of tearing up Broadway at one minute past twelve Sunday morning.‖ The whole city was thrown into excitement. Threats to use force were made and placards headed "Broadway in Ruins! Citizens to Your Posts! A Flagrant, Shameless Wrong to Be Perpetrated!" were posted on walls and fences;¶ another injunction was sued out and Broadway was once more saved from a horse railway.

So early as 1852 an enterprising citizen of Brooklyn proposed to build an elevated railroad in Broadway, New York. It was to consist of a double row of pillars forty feet apart, supporting a double track roadway eighteen feet above the street. Each side of the tracks was to be a promenade reached by steps from the sidewalks, and opening into stores in the second stories of the buildings. The floor of the promenade was to be of glass set in perforated cast iron. All the early horse car lines were small affairs. So late as 1854 the Sixth Avenue line had but fifty cars, three hundred horses and mules, and three hundred employees, and each year received in fares but thirteen thousand three hundred and fifty dollars.**

* New York Herald, March 8, 9, 1853.
† Ibid., November 30, 1853.
‡ Ibid., December 6, 7, 8, 1853.
§ Ibid., December 19, 20, 1853.
‖ Ibid., December 29, 1853.
¶ Ibid., December 30, 1853.
** New York Tribune, March 27, 1855.

The success of the New York roads led to an application to Councils in Philadelphia for leave to construct a horse car line in that city. The cars were to be of iron * except the floors, were to be stopped with a brake, and entered at the side.† But Philadelphia had no horse cars till 1858.

The introduction of horse cars in New York soon gave rise to the question of the right of negroes to use them. At first they were excluded and patiently submitted till a test case was made in 1855 and a decision obtained from Judge Rockwell affirming the right of colored people to ride in all public conveyances. The companies, however, paid no attention to the decision, and negroes were excluded as before. Angered by this treatment, the Rev. James C. W. Pennington, a negro preacher, one Sunday in May, 1855, after service, urged his hearers to stand up for their rights, reminded them of Judge Rockwell's decision, and told them to inform any friends who might visit the city during anniversary week, then opening, that colored people could no longer be excluded from the horse cars.‡ Not content with this, he boarded a Sixth Avenue car and, refusing to leave when requested to do so by the conductor, was forcibly ejected. Suit against the company was then brought in the Superior Court; but this time the jury found for the defendant.§ Meantime the female branch of the Equal Rights Association was formed to secure the right of colored people to use the street cars.¶

The gathering of aliens in great numbers in the large cities brought in many changes in manners, customs, and ideas not always welcome. Conservative people complained that Socialism, or liberalism, as it was called, was prevalent among the foreigners, and was seriously affecting American thought, as was shown by the growing demand for a home-

* In 1855 there were iron cars on the Sixth Avenue road in New York. They are described as "made of hoop iron banded together like lattice work." New York Tribune, July 18, 1855.

† Philadelphia Ledger, August 23, 1853.

‡ New York Tribune, May 8, 1855.

§ A summary of the argument and charge to the jury is given in the New York Tribune, December 18, 1856.

¶ New York Tribune, February 22, 1856.

stead bill, which was but another name for free farms, and by the formation of Socialistic societies. New York was full of them. There were the Democratic Union, the Social Reform Society, the Freie Gemeinde, the Cuban Democrats, the Polish Democrats, the Universal Democratic Republican Society, with its French section and its Italian section, the Arbeiterbund, and the Ouvrier Cercle. The adopted citizens did not mingle with the natives; were not receptive of American ideas, and knew little and cared less about the institutions, customs, and usages of the land of their adoption. Men of each nationality dwelt together in some particular part of each city; spoke their own language, read their own newspapers, formed their own militia companies, and kept up in America race hatred bred abroad. Thus in the city of New York, where the uniformed militia numbered some six thousand men, more than four thousand were of foreign birth. Twenty-six hundred of these were Irishmen organized under such names as the Montgomery Guards, the Emmet Guards, Irish-American Guards, Irish Rifles, Long Island Irish Volunteers, the Ninth and the Sixty-ninth Regiments. Seventeen hundred were Germans, forming the Third Regiment, the State Rifles, the New York Rifles attached to the Twelfth Regiment, the Fifth Regiment, seven companies of the Fourth Regiment, and the Third Regiment of Hussars. There was also the Garde Lafayette, a French company attached to the Twelfth Regiment.* So little do these organizations resemble American militiamen, it was said complainingly, that a stranger seeing them on parade might think them visitors from foreign parts, for their officers give orders in foreign tongues, and they carry flags emblazoned with devices and wear uniforms patterned after those used in the countries of their birth.

Native citizens as a result were loath to serve in the

* The 12th Regiment was composed of the Light Guards, Garde Lafayette, Independent Guards, Lafayette Fusileers, Baxter Blues, City Blues, City Musketeers, Tompkins Blues, Baxter Guards, New York Riflemen. In the 8th Regiment were two corps of Cavalry—the Washington Blues and the Washington Grays, and six companies of infantry. In the 1st Regiment were the Jackson Horse Guards, the State Hussars, and the Lafayette, Montgomery and German Horse Guards.

militia, and fitted themselves for military service by forming target companies for practice with the rifle. More than a hundred and forty such organizations, with a membership numbering over seven thousand, existed in the city. The uniform was a glazed cap, black clothes, a glazed black or red belt, a musket and bayonet. The target was always borne by a negro, beside whom walked a water carrier with pail and cup. The members making bull's eyes were awarded prizes. Sometimes the name assumed was descriptive, as the Coppersmiths' Guard; the Thomas Hoyt and Co. Guard, composed of employees of a tobacco factory. Others called themselves The Bunker Hill Volunteers.

In the opinion of many the existence of militia companies made up of aliens did far less harm than what was called "the foreign press," the newspapers printed in several languages of Europe. New York now supported four German papers, the *Staats Zeitung, Demokrat, Abend Zeitung,* and *Algemeine Zeitung;* a French paper, *Le Courrier des États Unis; La Cronica,* a Spanish journal; and *Eco d'Italia.* In Baltimore there were the *Leit-Stern* and the *Wecker,* and in Cincinnati the *Daily Republicaneer, Volksblatt, Hochwachter,* and *Zumzeitung.* Besides these there were scattered over the country Irish newspapers, always strongly sectarian and anti-American. Such papers as the Boston *Pilot,* the New York *Truth Teller, Freeman's Journal, American Celt,* and the *Shepherd of the Valley,* published for a few years in St. Louis, had done much, it was said, to keep the uneducated class of Irish citizens in ignorance of American ways and usages and apart from the American people. In a country where every religion is free they had done much, by their bitter sectarianism, to excite animosity between Catholics and Protestants.

Hatred of Catholics, which inspired the American Republicans in New York, and the Native Americans in New Jersey and Pennsylvania, by no means went down with the subsidence of these movements. Again and again, as time passed, incidents, trivial in themselves, gave proof that the old animosity was as bitter as ever. Thus, when eight sisters of Notre Dame were sent from Cincinnati to Chilli-

cothe to open a school, popular feeling ran so high against them that their house was nine times pelted with eggs.* When the Pope's Bull directing the setting up in England of "a hierarchy of bishops deriving their titles from their own sees" caused an outburst of anti-Catholic excitement in England, the effect was quickly felt in our own land. Bishop Hughes of New York preached a sermon, "The Decline of Protestantism," and was promptly answered by the Reverend Mr. Dowling, who preached on "The Rise and Downfall of the Papacy." † The Reverend Mr. Ryder followed with a lecture on "The Character of the Jesuits," and when he told his audience that the Jesuits were good Republicans and upholders of republican institutions he was greeted with hisses and applause,‡ and at the meeting of the American and Foreign Christian Union the sermon of Bishop Hughes was again attacked.§

When a converted monk named Leahey announced in Baltimore that he would lecture on his former religion, a mob gathered around the hall and prevented him. The next night he succeeded; but bricks were thrown through the windows, and the audience thought it necessary to escort him home.¶

During the campaign of 1852 the religious issue was dragged in by the attempt of the Whigs to show that Pierce had favored the retention of the religious test in the constitution of New Hampshire.

In 1853 a young girl living in Charlestown, Massachusetts, suddenly disappeared. She had recently been converted from Catholicism, and, when inquiry failed to make known her whereabouts, it was openly declared that she had been kidnapped and imprisoned by followers of the creed she had abjured. The community, always strongly anti-Catholic, became excited, and hand bills headed "Must Be Found" and calling on all opposed to religious oppression

* Philadelphia Public Ledger, August 28, 1850.
† Ibid., November 12, 1850.
‡ New York Herald, November 13, 1850.
§ Ibid., December 10, 1850.
¶ National Intelligencer, March 4, 1852.

and the imprisonment of a human being for opinion's sake to meet on a certain street in which was the Catholic Church were posted about the town. Excitement now spread to the Catholics, and fearing a riot the authorities ordered the militia and the firemen to be ready, and swore in a hundred special policemen. On the appointed evening a mob gathered about the church, broke the lamp-posts, smashed the fence, and were pulling down a small building attached to the church when the militia arrived and scattered the crowd. That night an attack on the Unitarian Church was made by the Catholics.* Assurances from the mother that the girl was safe and not a prisoner had no quieting effect. Not till the Mayor issued a card stating that she had been brought back from Philadelphia and taken before him did the excitement begin to go down.

Just at this time there came to New York Alessandro Gavazzi. He had been an Italian priest and teacher; had taken part in the Revolution of 1848 and, when it failed, fled to England, abjured Catholicism, and came to America, he said, "to destroy the Pope." † Some nights he lectured to the Italians and on others to Irishmen. Bloomerism, the Maine Liquor law, crosses on churches, all the fads and "isms" of the day were in turn denounced, but the particular objects of his attacks were the Pope, the priests, and papal influence.

Disorder attended each lecture, and finally became so bad that police were sent to guard the Tabernacle in which he spoke.‡ Indeed, so well did he do his work that when it was finished a number of Protestant clergymen presented him with a thousand dollars, and promised to raise money for an Italian church.§ From New York Gavazzi went to Quebec to deliver two lectures in the Free Church. In the course of the first the mob rushed in and threw him out of the pulpit. At Montreal Zion Church was protected by

* Philadelphia Ledger, March 4, 5, 7, 1853.

† There is a good brief biography of Gavazzi in the New York Herald, March 24, 1853.

‡ Philadelphia Public Ledger, March 25, 26, 28; April 1, 8, 16, 1853.

§ Philadelphia Public Ledger, May 16, 1853.

police, but a band of ruffians overpowered them and attacked the church. Serious rioting followed till the troops arrived and scattered the mob. But they soon made matters worse, for, as the people were leaving the church, two volleys were fired, killing and wounding many.* Catholics in Montreal denounced the outrage; called for the punishment of the rioters, and offered rewards for their arrest,† and fifty citizens of New York invited Gavazzi to return to their city and lecture on the principle and right of free and uninterrupted investigation and discussion of religious matters.‡

He accepted, resumed his lectures, and soon found a new subject for attack in Monsignor Bedini, Nuncio of the Pope.§ The purpose of his visit was to settle a dispute between a church at Buffalo and the bishop of the diocese. The State of New York in 1784 had provided for the incorporation of religious bodies and had ordained that trustees chosen by the church, the congregation, or the society should be its corporate body. In accordance with this law the property of the Catholic churches had been held by lay trustees, but in 1829 a provincial council of bishops, gathered at Baltimore, expressed the wish that in future no church be built or consecrated unless it was assigned in a written instrument to the bishop of the diocese. The wish was not generally complied with, and twenty years later another provincial council ordained that all churches and all other ecclesiastical property acquired by donations or by the offerings of the faithful for religious or charitable use should belong to the bishop of the diocese, unless granted to some order of monks, or to some congregation of priests for their use. This decree was a flat nullification of the law of the State of New York, and the trustees of the church of St. Louis at Buffalo stood on their legal rights and refused to surrender the property of the church to the bishop. Thereupon the doors were closed and the congregation deprived

* Philadelphia Public Ledger, June 9, 1853; June 13, 1853.
† Ibid., June 16, 1853.
‡ Philadelphia, June 21, 1853.
§ Ibid., July 13, 1853.

of all spiritual comfort. The donor of the property and the trustees then appealed to the Pope, who sent Bedini to the United States to settle the controversy. The bishops appealed to the legislature, and a bill was at once presented making them corporators capable of holding real estate in church property instead of the trustees. The bill was denounced by the Protestant press as anti-Republican, as giving the Pope an immense proprietary interest in our country through his bishops, as an attempt to centralize clerical power,* and a petition praying that the bill do not pass was carried around for signature in New York City. Five thousand names, it was said, were affixed to it. Nevertheless, the Senate passed the bill.

At this stage of the controversy Bedini arrived, and as he travelled about the country visiting the episcopal sees, he became the cause of a new anti-Catholic excitement. At Pittsburg hand bills threatening him were posted,† and he was openly insulted on the street. At Cincinnati there was a band of German Liberals known as The Freeman's Society. Remembering the part Bedini bore in putting down the revolution in Bologna, the Germans denounced him as the butcher of Ugo Bassi, the patriot chaplain of Garibaldi, and determined to show their contempt by burning him in effigy. A demonstration was accordingly arranged, and on a Sunday night a procession of men, women, and children, escorting an effigy of Bedini and bearing transparencies inscribed "Down with Bedini," "No Popery," "Down with the Roman Butcher," "No Priests," "No Kings," "No Tyranny," set off for the residence of Archbishop Purcell, but the police had word of the demonstration, were in hiding, and suddenly charged the procession, and after a serious fight arrested many.

All were discharged, for public feeling was running high against the Mayor and police. Indeed, at an indignation meeting the Germans were advised to carry out their plan and burn the Nuncio in effigy, and accordingly did so.‡ Like

* Philadelphia Ledger, June 22, 1853.
† Philadelphia Ledger, January 9, 1854.
‡ Cincinnati Gazette, January 16, 1854.

ceremonies were performed on Monument Square, in Baltimore,* and on the Boston Common.† At Philadelphia there was an anti-Bedini meeting which resolved that to send the murderer of patriots to the land of the father of patriots was a wanton insult.‡

By this time the street preachers had taken part in the crusade. For years past on every Sunday afternoon numbers of these men had been accustomed to preach unmolested on vacant lots, in market places, and on public squares in all the great cities. They were Protestants, and, excited by the preaching of Gavazzi and the presence of Bedini, the subjects of their harangues now became priestcraft and popery. Sometimes disturbances occurred, and here and there the authorities attempted to stop the preachers; but opposition brought more hearers and supporters. Thus in Cincinnati the Mayor forbade a street preacher to hold forth lest his tirades against the Catholics should cause a riot, and when he persisted had him arrested. Now, it so happened that on that same Sunday some five thousand Catholics carrying flags and banners paraded the streets on their way to attend the laying of the cornerstone of a church. The bells of all the Catholic churches were rung, the streets were crowded with onlookers, and when they heard that the Protestant preacher had been arrested, and beheld the police escorting a Catholic parade, religious excitement rose so high that a few days later a public meeting denounced the Mayor and sent a committee of one hundred to demand his resignation.§

At Baltimore, the police having refused to allow an old blind preacher to continue his preaching in the Market House, a public meeting was held and a committee sent to interview the Mayor. He upheld the police because he feared the preacher's words would cause a riot, and was denounced for this at a series of meetings on Monument Square. The action of the police was held to be a sup-

* Baltimore Sun, January 17, 1854.
† National Intelligencer, February 4, 1854.
‡ Philadelphia North American, February 13, 1854.
§ Philadelphia Public Ledger, May 4, 1853.

pression of free speech.* It was really a confession of inability to keep order.

Out of the excitement in Baltimore came a Native American meeting. Several thousand men attended, and on the flags and transparencies which decorated the stands for the speakers were such inscriptions as "Young America, Assert Your Rights," "We ought to be more Americanized," "The Bible in our public schools," "We want no foreign military organizations," "Americans can do their own voting and their own fighting," "Eternal separation of Church and State." †

At Louisville the Mayor forbade an anti-Catholic street preacher to hold forth.‡

At New York in November a journeyman carpenter named West took his stand at the corner of Fifth Avenue and Forty-first Street, near the Crystal Palace, one Sunday in November, harangued the crowd and abused the Pope and the Catholics. Suddenly a boy upset his improvised platform and he fell into the street. The following Sunday West came again to the same place and was protected, it was said, by the Know Nothings. The third Sunday found him on the same spot, surrounded by Know Nothings, and when in the midst of a tirade against the Pope an Irishman gave him the lie a fight followed. On the fourth Sunday the police demanded that he show his license for street preaching, and when he could not forced him to move on. He went to Abingdon Square and announced that one Parsons, a street preacher, would speak on the following Sunday at the foot of Houston Street in the shipyard of Mayor Kingsland. When the Mayor heard of this he promptly took steps to prevent the preaching, and bade an officer notify Parsons to keep out of his shipyard. The preacher thereupon went to a vacant lot at the foot of Third Street and, after abusing the Pope, Bedini, and the Catholics, was arrested. But the mob hurried to the home of the Mayor and de-

* New York Herald, July 27, 29, 1853; Baltimore American, July 28, 1853.

† National Intelligencer, August 22, 1853.

‡ New York Herald, July 19, 1853.

manded the release of Parsons. He was discharged by the justice at the police court because the land on which he had stood was private property, and he occupied it by permission. Nevertheless, the anger of the Protestants flamed high and handbills calling a meeting in the Park to vindicate the principle of religious liberty and freedom of speech were scattered about the city. Ten thousand, it was said, came, listened to speeches denouncing the arrest, and adopted resolutions stating that freedom of speech had been assailed, and that civil and religious liberty were in danger. That a most serious riot would occur on the following Sunday seemed so likely that the Mayor called on all good citizens to aid in keeping the peace and not gather on the streets on Sunday, and Archbishop Hughes issued an address to the Catholic clergy and laity. He bade them keep away from street preaching against their religion, and if attacks were made on churches or private property stand by the authorities of the city in defense of their rights. When Sunday came twenty thousand people, it was said, gathered to hear the preaching and were addressed by three preachers. But the Mayor had the police out in force and no trouble occurred. That there had been any disorder was due, it was said, to the malign influence of the secret society of Know Nothings,* which had paid the street preachers to insult the Pope; had protected them, and had called the meeting in the Park.

That gathering, which was undoubtedly of Know-Nothing origin, for James W. Barker, who presided, had joined the order some months before,† alarmed the politicians. The secrecy and mystery surrounding the organization excited

* Philadelphia Public Ledger, December 13, 15, 1853. The Herald explained that "The Know Nothings are an offshoot of the Order of United Americans. By the constitution of the latter politics are excluded from their proceedings. In order to evade this rule, and to become more effective in political movements, members of the body formed an outside secret association calling themselves Know Nothings, and the principles of their constitution are directly hostile to all Catholics, and they pledge themselves to vote for no man who is not an American of three generations." New York Herald, December 17, 1853.

† L. D. Scisco, Political Nativism in New York State, p. 92.

the curiosity of the people, the press sought diligently to discover its secrets, and the New York *Herald* unearthed the constitution of the Guard of Liberty,* which was believed to be the Know Nothing Order till it was proved to be a national military society, numbering a few hundred members. New Orleans and Philadelphia newspapers had better fortune, and made known the requirements for admission, some of the degrees, and certain signs and pass words. To be a member a citizen must be a native American, not in any way either personally or by family ties connected with the Roman Catholic Church. In the first degree were the great mass of the members, and to them the name Supreme Order of the Star Spangled Banner was not made known. They were utterly ignorant of it. In the second degree were such as were thought worthy to hold office in the order, and in the third degree such as seemed fit to hold political office in the community.

The order began its career in New York City in 1850 as a secret nativist society called the Order of the Star Spangled Banner. Like other nativist societies then existing in the city, like the Order of United American Mechanics, The American Protestant Association, and the Order of United Americans, its principles were anti-Catholic and anti-foreign. Unlike them, its purpose was wholly political, and at each succeeding election it strove by the secret concerted action of its members to secure the election of staunch Protestant and native-born candidates, no matter what their party. For a time its influence was not felt, for the members numbered, all told, but two score and three. On the eve of the campaign of 1852, however, the order was reorganized, and under a new and energetic leader the membership rose to thousands. The political confusion which followed the downfall of the national Whig party and the local issues in the State campaign of 1853 brought in more members, and then its influence was distinctly felt. Rumors became current of a new political organization to be called the American Union Party, and of a circular stating

* New York Herald, January 30, 1854.

its principles. These were: free schools subject to no religious sect; reform the naturalization laws by lengthening the time of residence, or by requiring such qualifications as reading and writing; sell the public lands to actual settlers; build a railroad to the Pacific; keep the Bible in the schools; foster American interests by a judicious tariff; and no legislation vesting property given for religious uses exclusively in the hands of the clergy. This strange mixture, it was said, of the Buffalo platform, the Pittsburg platform, and Native Americanism is proof of a total reorganization of political parties.* This new intruder into the field of politics, it was whispered about, was a political secret society, whose suspected members declared they knew nothing about it. No sooner, therefore, had the result of elections made manifest that some hidden influence had been working against certain candidates than the unknown party was dubbed the Know Nothing, a name it never lost.†

All members living in a defined political area formed a council. Thus in New York City there was one in each ward; in smaller towns one council, and in the rural districts a council for two or more elective districts. Over all the councils in any State was the Grand Council of three delegates from each, and over the Grand Councils of all the States was the Grand Council of the United States, composed of delegates from each State. Members recognized one another by signs, grips, pass words, signals of distress, test questions, and rallying cries. Secrecy was assured by concealing the name of the order from the great mass of the members, and not allowing those who knew to mention it. Calls for council meetings were made, not by public notice, but sometimes by bits of colored paper cut in certain shapes and scattered over the sidewalks, and sometimes by

* New York Herald, August 3, 18, 1853.

† This ticket is the work of the managers of a secret organization growing out of the O. A., but ostensibly disconnected therewith. New York Tribune, November 10, 1853. In the present instance it is perfectly well understood that the Know Nothing organization is but a new dodge of Protestant nativism. It is essentially anti-foreign, especially anti-Irish and anti-Catholic. New York Tribune, November 16, 1853.

cutting square or diamond-shaped pieces from the bills, posters, or advertisements, then, as now, posted on the fences around vacant lots. Support to particular candidates was assured by the pledge taken by the members, and by a superintendent for each elective district and his assistants, one for each ten voters.

At New York a young man, William W. Patten by name, organized a native secret society for boys too young to be admitted to the Know Nothing Order, and soon drew around him much of the rowdy element in the city. The real name of the society was the Order of Free and Accepted Americans, but the members spoke of it as the Order of the American Star, because its emblem was a star inscribed with the number 67, the age of Washington when he died. They recognized one another by wearing white felt hats of peculiar shape, and used "Wide Awake! Wide Awake!" for a rallying cry. This gave them the popular name of Wide Awakes.

Their chief duty was to escort street preachers to Roman Catholic neighborhoods, stand guard while they preached, and, if possible, provoke the Irishmen to fight. One of these preachers was John S. Orr, who called himself the Angel Gabriel. Every Sunday he would mount the steps of the City Hall, blow a few blasts on his trumpet to gather a crowd, and after his accordion player had finished a few tunes would hold forth against the Catholics. The accordion player was Samuel C. Moses, likewise a street preacher, and one Sunday in May, the Angel Gabriel having gone to Boston, Moses, protected by Wide Awakes, took his place on the City Hall steps. In a little while there was a fight in the crowd and Moses was arrested. On the following Sunday there was a more serious fight in which a man was stabbed.

New York now became an unsafe place for him, so on the third Sunday, escorted by Wide Awakes, he went over to Brooklyn. On the way home there was some stone-throwing and fighting at the ferry.* On the fourth Sunday, accompanied by a great band of Wide Awakes, he went again

* New York Times, June 5, 1854; New York Tribune, June 5, 1854.

to Brooklyn, where the fighting was so serious that militia were used to quell it. More rioting occurred on the fifth Sunday. Thenceforth no man wearing a wide-awake hat was safe in New York or Brooklyn.* The Supreme Order of the Star Spangled Banner meantime was sweeping through the country.

In Massachusetts the Angel Gabriel spoke to great crowds at Chelsea and East Boston, denouncing the Pope, priests, and the Catholics, but no riot followed, for the police dispersed the crowd. But when he returned to Chelsea later in the day and spoke again the excited crowd broke windows in the Roman Catholic Church and pulled down the Cross.† On the following Sunday he visited Dorchester and Charlestown, where the police were out in force and kept the peace.‡ For these acts he was arrested later in the year and lodged in the Charlestown jail. The charges against him were disturbing a religious meeting on Sunday, May seventh, creating a disturbance by blowing his horn on Sunday, May fourteenth, and vending his documents on Sunday, May twenty-eighth.§ Another street preacher, Father Lamson, succeeded him, held forth on the Common, and on each of three Sundays was arrested by the police. The moment the officers laid hands on him he would passively lie down and had to be carried to the watch house.‖

On the fourth of July there was a riot in Manchester, New Hampshire, in the course of which the houses of Irish laborers were sacked and the windows of a Catholic church broken.¶ During an election in St. Louis in August there was a Native American riot lasting several days.** In September the first American Congress was held in Newark.

* North American, June 13, 1854; New York Tribune, June 12, 1854.

† National Intelligencer, May 10, 1854.

‡ Ibid., May 17, 1854.

§ Washington Daily Union, August 23, 1854. After his release from jail the Angel Gabriel sank from public notice, and finally went to British Guiana, where his preaching so excited the negroes that they rose against the Portuguese Catholics and pillaged their shops in Demerara, New York Tribune, March 24, 1856.

‖ Boston Atlas, quoted by National Intelligencer, June 22, 1854.

¶ Washington Union, July 7, 1854.

** St. Louis Republican, August 10, 1854.

While a procession of American Protestant Association Lodges was marching through the streets stones were thrown, a riot began, and the windows and organ of a Catholic church were destroyed.*

The stream of emigrants from the old world was now swelling to what seemed portentous proportions. Thousands found homes in the West, and thousands more went to work on the railroads then building in every direction. During the twenty years which followed the day when ground was broken for the Baltimore and Ohio, less than five thousand miles of railroad were built in the United States. Indeed, so late as 1849 not a mile existed in Wisconsin, Iowa, Missouri, Arkansas, Tennessee, or Texas. Such as were in operation in other States were generally short roads joining important cities, and had no direct connection with each other. Thus, the traveler who left Washington to journey to New York by rail alighted at a station in Baltimore, claimed his baggage, hired a porter to carry it a mile to another depot, and went thither himself in a hack or omnibus. Once at the depot he must buy a ticket to Philadelphia, seek his baggage in the unsorted mass of trunks, and check it to Philadelphia. There were another porterage between two depots, another hunting of trunks, and another purchase of a ticket before he could go to New York.

By the close of 1849 a mania for railroads was sweeping the country, and the mileage rose to eighty-six hundred in 1850, to ten thousand eight hundred in 1851, and to over thirteen thousand a year later. Cities, towns, counties subscribed to the stock of projected railroads; conventions were held to arouse public interest, and new routes of trade were soon under construction. In 1850 a railroad was opened between Lake Champlain and Ogdensburg on the St. Lawrence River; another to join Niagara Falls and Detroit was put under contract; the Pennsylvania Railroad, chartered in 1846 to build a road from Harrisburg to Pittsburg, ran its first train from Philadelphia to Hollidaysburg;

* New York Tribune, September 6, 1854.

Missouri chartered her Pacific Railroad to connect St. Louis with her Western border and form the beginning of a highway she hoped the United States would build across the plains to San Francisco; and Congress made the first great land grant in aid of a railroad. Right of way across the public domain had, indeed, many times been granted, and now and then the right of pre-emption, but it was not till 1850 that Congress adopted the policy of making immense grants of land in aid of railroad construction. Then was ceded to the State of Illinois for the benefit of the Illinois Central Railroad every even numbered section in a strip twelve sections wide, stretching from Cairo to the southern terminus of the Illinois and Michigan Canal, and thence to Chicago on the one hand and to Galena and Dubuque on the other; and to Alabama and Mississippi like grants in those two States along the line of a road to join Memphis with the mouth of the Ohio. When finished the roads must be "free from toll" on the carriage of any property or troops of the United States, and they must be finished within ten years.*

During 1851 more than twenty-one hundred miles of railroads were built and a new era opened. The day of short roads joining the termini of steamboat navigation on neighboring rivers, or some important nearby cities or towns, was gone, and the day of the trunk line was dawning. The East was now reaching out for the West, the West for the Pacific Coast, and the Southwest for the Ohio Valley. Boston in September celebrated with a three days' jubilee the completion of a series of roads that connected her with Montreal, with the Great Lakes, and thirteen sister States. It was now possible to go by rail from that city to Rouse's Point on Lake Champlain, and thence northward to Montreal, or westward across New York to Ogdensburg, or by Albany to Oswego, or Rochester, or to Buffalo. Flour could now be carried without reshipment from Ogdensburg to Boston for sixty cents a barrel, which was half the rate

* The Illinois Central was opened in September, 1855, was 705.5 miles long and, had all the sections granted been unoccupied, it would have received 2,709,100 acres. It did receive 2,595,053 acres. Report of the Commissioner of the General Land Office, 1897, p. 225.

charged to carry a barrel from Buffalo to Albany. New York was joined by rail with Albany, Rutland, Burlington, Rouse's Point, Montreal, and Ogdensburg, with Oswego, Rochester, and Buffalo, and when, in the spring of 1851, the Erie Railway was opened to Dunkirk she was given another port at which to tap the great trade of the lakes. Philadelphia had as yet no rail connection with the lakes, nor with Pittsburg. Not till December, 1852, was the gap between Johnstown and Pittsburg closed, and the first train run through from Philadelphia. But plans were on foot for a road from Sunbury on the Susquehanna to Erie, and public meetings were held to arouse the interest of the people and obtain subscriptions to the stock. From Pittsburg no roads went West, but efforts were making to raise money to build one to Steubenville, there to connect with another to be constructed to Cleveland. In Ohio there were not nine hundred miles of railroad, in Indiana less than six hundred, in Illinois less than three hundred; but these three States in 1851 were the center of railroad building, and in each more than twelve hundred miles was in course of construction. Missouri having pledged her credit to two railroads, the Mayor of St. Louis in the presence of ten thousand citizens gathered on the shore of Choteau Lake on the fourth of July broke ground for the building of the Pacific Railroad, and in November, with like rejoicing, ground was broken at Hannibal as the first step in the construction of the Hannibal and St. Joseph Railroad. Great rejoicings attended the opening of thirty-three miles of the East Tennessee and Georgia road from Dalton toward Knoxville; of thirty-two miles of the Nashville and Chattanooga railroad, joining Nashville and Murfreesboro, and the ground breaking of the North Carolina Railroad from Goldsboro to Charlotte. At Philadelphia, in the Susquehanna Valley, in Pittsburg, in Cleveland, in Romney, and in Abingdon, Virginia, in Nashville, in Vicksburg, in New Orleans, and in Alabama conventions were held, resolutions adopted, and subscriptions solicited in behalf of new railroad enterprises or the furtherance of old.

What took place in 1851 was repeated in 1852, when

nearly twenty-three hundred miles of railroad were built and the mileage in the United States raised to over thirteen thousands.* In that year the Michigan Southern from Monroe to Chicago was opened and was the first to enter that city from the East. Next came the Michigan Central from Detroit to Chicago, and then the Chicago and Rock Island as far as Joliet. In that year the first locomotive and train west of the Mississippi rolled out of St. Louis and passed over five miles of the Pacific Railroad.† The land grants made to Illinois, Alabama, and Mississippi in 1850 now began to bear fruit, and forty bills granting right of way or donations of land were reported in the House of Representatives. Thirty-one of the roads were to be in the West and South. Had they been built their length would have been upward of eight thousand three hundred miles, and had each been given alternate sections in a twelve-section wide strip thirty million acres would have been taken from the public lands.

During 1853 the entire length of the Baltimore and Ohio Railroad was completed; the nine little roads between Albany and Buffalo were consolidated and made the New York Central Railroad; the Galena and Chicago was extended to Freeport, Illinois; and the Boston, Concord, and Montreal, and the Atlantic and St. Lawrence joining Portland and Montreal, were opened to travel, and the first train from Montreal to Portland was received with music, speeches, bell ringing, and popular rejoicing.‡ It was then possible for a traveler to go without change of cars from Boston to the bank of the Hudson River, where a ferry boat carried him to Albany. At that city he might board a New York Central train which would carry him to Buffalo, where he must change again to the Buffalo and State Line Railroad, which ran to the New York-Pennsylvania State line, where another change must be made to the Erie and Northeast Railroad, over whose rails he might go to Erie. There

* January 1, 1853, the mileage was 13,817, and 10,418 miles more were under construction. American Railway Times.

† St. Louis Republican, December 3, 1852.

‡ July 16, 1853. New York Herald, July 19, 1853.

still another change was made to a train which ran to Cleveland, where a scow propelled by oars took him over the Cuyahoga River.

The cause of the many changes between Buffalo and Erie was the different gauges used by the different roads. On one from Buffalo to the State line the gauge was four feet ten inches; on another, from the State line to Erie, six feet, and on a third, from Erie to the Ohio line, four feet ten inches. Could the twenty miles of six feet gauge be reduced to a four feet ten inch, freight and passengers could be carried from New York City to Cleveland with but one break at Buffalo, where the gauge became four feet eight and a half inches. After the New York roads were consolidated the New York Central bought the road from the State line to Erie and proceeded to change the gauge.

This meant that the people of Erie were to lose what benefit they had from reshipment of freight and transfer of passengers. Aware of what was coming, the Mayor and Council of Erie called a mass meeting, which demanded that the Council pass an ordinance directing the proper officer to remove from the streets of the city the rails of the Erie and Northeast Company if the change of gauge were attempted.* Nothing daunted, the railroad authorities went on and, December 7, 1853, started the work of altering the gauge, beginning at the New York State line. When the news reached Erie a cannon was fired and bells rung and the Mayor with a hundred special police and the Hook and Ladder Company in full uniform, and accompanied by a crowd of citizens, tore up the track in the streets and destroyed the bridges crossing two of them.† Next to act were the people of Harbor Creek, a little town east of Erie. There the track which had been laid down the middle of the highway was taken up.‡ The Buffalo and State Line applied to the United States Circuit Court at Pittsburg and sued out an injunction restraining the Mayor and councils of Erie from destroying its property, and began to rebuild

* New York Herald, July 20, 1853.
† Ibid., December 8, 1853.
‡ Ibid., December 9, 1853.

the Harbor Creek bridge.* No sooner was the work done than the bridge was burned a second and later a third and fourth time. As often as a piece of track was relaid the Mayor and the people tore it up, for a justice of the peace at Erie, having decided that the injunction was void, the people refused to obey it. The court thereupon put some of the offenders in jail for contempt, and sent the Marshal to take possession of the road; but he and fifty laborers relaying the rails were arrested by the local authorities for obstructing the streets.† The Mayor, meantime, had turned his attention to the Cleveland and Erie Railroad, and removed its tracks from the streets. An injunction from the Supreme Court of Pennsylvania followed,‡ and the year closed and January, 1854, passed with all traffic between Harbor Creek and Erie suspended. Passengers, mails, and baggage were carried in stages, sleighs, and wagons at a cost to the railroad of seventeen thousand dollars. Horace Greeley, who passed that way when the war was raging, wrote that he was forced to ride from Harbor Creek to Erie in an open sleigh through wind, snow, and sleet. "Let Erie have her way," said he, "and all passengers must change cars before her pie-shops." § Freight for a while accumulated fast; but as the struggle dragged along it ceased to come, for it was sent by water to Baltimore and over the Baltimore and Ohio Railroad to Wheeling. On the freight trains stalled at Harbor Creek were some twenty locomotives bound for Western railroads. Even the women took part and tore down the bridges over the streets in Erie, and then marched about the borough with a flag inscribed "Six feet, or four feet eight and a half inches." ¶ The New York *Tribune* thought the President ought to call out the troops and remarked, "Had a runaway negro been somehow mixed up in this matter, we should have had half of the United States Army in Erie a month ago." ‖

* New York Herald, December 13, 1853.
† Philadelphia North American, January 18, 1854.
‡ Philadelphia Ledger, December 26, 1853.
§ New York Weekly Tribune, January 7, 1854.
¶ Philadelphia Ledger, January 18, 1854.
‖ New York Tribune, January 19, 1854.

Feeling was by no means local. A meeting to express indignation was held at Buffalo, and another at Philadelphia to express sympathy. A third at Cincinnati denounced the people of Erie, a fourth at Indianapolis petitioned Congress to use its authority over interstate commerce and interfere, and when it was presented to the House Pennsylvania was sharply attacked by members from Ohio and warmly defended by her own representatives.* In the New York legislature a bill was introduced to make it unlawful for any railroad save the Buffalo and State Line to connect with any railroad in Pennsylvania going to Erie, or to a point within fifty miles of it, until Pennsylvania authorized an unbroken line of railroad of four feet ten inches gauge through Erie County, connecting the Buffalo and State Line and the Cleveland, Painesville, and Ashtabula Railroads. Early in February service was resumed and the fight over the gauges was transferred to the courts.

No railroad so late as 1852 joined Cleveland and Toledo. The Lake Shore line, therefore, ran a steamboat between the two cities.† From Toledo the traveler went to Detroit and over the rails of the recently completed road to Chicago. The gap was closed early in 1853, and Chicago had all rail connection with the East. That growing city was then the terminus for ten railroads, over the tracks of which came and went each day seventy-four trains of cars, passenger, freight, and construction.‡ Louisville could now be reached by rail from Chicago at a cost of eight and three-quarter dollars.§ Early in 1854 the road from Chicago to Rock Island was finished and opened with much ceremony on Washington's Birthday.¶ Crowds came from Illinois, Iowa, and even St. Louis, for the joining of the Great Lakes with the Father of Waters was a matter of great importance to the people of the Northwest. At the close of the year the railroads in our country numbered four hundred and forty-four;

* Congressional Globe, 33d Congress, 1st Session, Vol. 28, Pt. 1, pp. 100, 217, 229-237.

† National Intelligencer, November 24, 1852.

‡ Philadelphia Ledger, December 30, 1853.

§ Ibid., December 31, 1853.

¶ National Intelligencer, March 6, 1854.

the mileage was twenty-one thousand three hundred and ten miles, and the cost over six hundred and twenty-one millions of dollars.*

Five years of railroad expansion gave new importance to the old plans for a road over the plains to the Pacific Coast, and brought before Congress more petitions, memorials, and bills. That such a road should be constructed was generally admitted, but many were the opinions as to where its Eastern terminus should be and as to what form Government aid should take.

The House Committee on Roads and Canals proposed to sell Whitney, a strip of the public domain sixty miles wide, stretching from Lake Michigan or the Mississippi to the Pacific. Whitney was to sell the land to settlers and out of the proceeds build the road, and when it was finished pay the Government ten cents an acre. The committee believed this to be the only constitutional plan, and if not adopted might delay this work "perhaps for ages to come." There were those, indeed, who thought Government should build it, but the committee was sure neither Congress nor the people would sanction such a plan.† The Senate Committee on Roads and Canals thought so well of the Whitney plan that it proposed to make a like grant to a company to build a Southern road from some point on the Mississippi River north of Memphis to San Diego. Others favored a railroad from Vicksburg to Shreveport and by way of El Paso del Norte to San Diego. A convention at Little Rock, to which came delegates from Tennessee, Arkansas, Mississippi, Louis-

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* The great railroad States were in order of mileage:

Ohio	47	roads,	with	2,927	miles	of	rail
Illinois	31	"	"	2,667	"	"	"
New York	32	"	"	2,625	"	"	"
Pennsylvania	69	"	"	1,992	"	"	"
Indiana	39	"	"	1,453	"	"	"
Massachusetts	39	"	"	1,293	"	"	"

American Railway Times, quoted by New York Tribune, January 9, 1855. The Railroads of the "Old Northwest" before the Civil War, by Frederick L. Paxson, Transactions Wisconsin Academy of Sciences, Arts and Letters, Vol. XVII, Pt. 1, is an excellent account of railroad building in the five northwestern States.

† Reports of Committees, 32d Congress, 1st Session No. 101.

iana, and Texas, was of the opinion that a road across the continent was too great a work for private enterprise unless some financial return was made certain, and proposed that private capital should pay for the construction, that the Government should guarantee five per cent. on the stock for fifty or a hundred years, and that Memphis and San Francisco should be the termini. Memphis was chosen because it was about midway between the Great Lakes and the Gulf, because it was near the grain, cotton, and mineral sections of the West, and because the Mississippi River was free from ice.* Some wanted an all-Southern route that would not be blocked by snow in the winter. Others were convinced that the emigrant route was the most direct, the cheapest, the best suited for a railroad. Such was the view of Senator Gwin, who, in 1853, introduced a bill † granting land for a railroad from a point on the Red River near the southwest corner of Arkansas to the eastern border of California, with a branch from some point west of the Rocky Mountains to Oregon, and with branches from some point on the Red River through Missouri and Iowa to the Mississippi, and through Arkansas, Louisiana, and Texas to the Gulf. But sectional jealousy killed the bill, and all the friends of a Pacific railroad could obtain was an appropriation to enable the Secretary of War to employ the Topographical Engineer Corps to survey as many routes as he thought proper. In 1854 the Illinois Central was finished from Cairo to Dunleith in the extreme northwestern corner of the State, and from Centralia to Chicago. Passenger rates on the railroads varied greatly. The Hudson River Railroad, which competed with the steamboats, charged one cent a mile. Elsewhere in New York the average fare was 2.8 cents per mile; in Connecticut, 2.62 cents; in Massachusetts, 2.82 cents; in Pennsylvania, 3.31 cents; in Virginia, 4.28 cents, and in Mississippi, 4.58 cents.

The builders of the roads were chiefly Irishmen. Fresh from the old country, they still nursed their ancient feuds,

* Senate Miscellaneous, No. 5, 32d Congress, 2d Session, 1853.

† Senate Journal, 32d Congress, 2d Session, pp. 50, 95, 105, 115, 141, 153.

and to preserve the peace it was necessary to employ on each section of a railroad none but Fardowns or none but Corkonians. Even this precaution was often of no avail, and gangs of three or four hundred of one party would suddenly quit work and march several miles to attack a gang of the other. Fights of this sort were of constant occurrence.

The pay for such labor, till 1851, was from seventy-five to eighty-seven and a half cents for a sunrise to sunset day. But by strikes, rioting, and destruction of railroad property the laborers raised their pay by 1852 to one dollar a day.

A decade had brought great changes in the condition of the workingman. The movement for a ten-hour day and better pay at regular intervals which began in the thirties was halted by the panic of 1837. When banks, merchants, speculators, corporations were failing by thousands, when specie was not to be had at any price, when token money was in universal use, when mills and factories were shutting down and building and trading and business of every sort stopped, it was no time to talk of better wages and a shorter working day. The laborer, the mason, the carpenter, the cordwainer who had a job was most fortunate.

During some four years, therefore, little was heard of the labor movement. In the midst of the campaign of 1840 Van Buren, in hope of drawing the labor vote, did, indeed, issue an Executive Order to the effect that laborers and mechanics toil "only the number of hours prescribed by the ten-hour system." * But any influence it might have had on the movement for a shorter working day was prevented during the next three years by the hard times and general bankruptcy of States and individuals. Here and there, indeed, a struggle for betterment was made, as when the bricklayers in Pittsburg formed a union, resisted a reduction in wages, and demanded the ten-hour day;† as when the journeymen tailors in Washington opened a shop of their own, because their employers had combined to reduce wages, and

* Richardson's Messages and Papers of the Presidents, Vol. 3, p. 602.
† Globe, April 1, 1841.

insisted on a sunrise to sunset day;* as when the working men in Philadelphia formed an Equal Rights Party and put tickets in the field in eight counties in Pennsylvania.† But not till the return of good times did the demand for the ten-hour day and higher wages once more become general. Bricklayers in Cincinnati were then paid seven dollars a week; the bakers in Boston complained that they were forced to work eighteen and even twenty hours a day; carpenters and painters in Philadelphia received a dollar and a quarter a day, and cordwainers in New York five dollars a week, on the average, for toiling, they said, eighteen hours in the twenty-four. The remedy for these conditions, in the opinion of the workingmen, was organization, co-operation, agitation, strikes, and a resort to the polls. There were strikes at Lowell, at Philadelphia, at Pittsburg, and at Chicopee, where the women twice turned out and marched through the streets and were then discharged. At Cincinnati the printers formed a union, demanded better wages, won, and their example was promptly followed by the tailors, cigar-makers, and shoe-makers, and by an attempt to unite their unions in a Trades Union Society. At New York in 1843 the Laborer's Union Association met in the Park, complained of their treatment by the subcontractors, resolved to demand one dollar a day, declared they would vote for no candidate for the legislature or for Council who would not support the interests of the workingman, and called for the abolition of convict labor.

In New York City one afternoon in 1845 several hundred women, constituting the Female Industry Association, tailoresses, shirt-makers, book-folders, cap-makers, representatives of all trades then open to women, met in the Superior Court room to assert their rights against unjust and mercenary employers. Their lot was indeed a hard one, for the president said that in the trade she pursued wages were from ten to eighteen cents a day. Only the most proficient received twenty-five cents. On such a pittance it was not possible to live decently and honestly. A committee was,

* Globe, May 17, 25, 1841.

† Philadelphia Ledger, September 28 and October 27, 1842.

therefore, appointed to prepare an address to the public, and the offer of Signor Palmo to give a benefit for the association was gladly accepted.

The wages of unskilled laborers in New York, generally Irishmen just from the old world, was sixty-five cents a day. Unable to live and procure lodgings on three dollars and ninety cents a week, a number of them employed in Brooklyn were allowed to build shanties on land near where they were employed. When spring came and the days grew longer they demanded eighty-seven and a half cents per day, and, when it was refused, struck. Some Germans just landed were then put in their places, and the strikers ordered out of their shanties. But they refused to go, attacked the Germans, and would have driven them off had not the militia been called out.*

In Massachusetts, strikes having failed to lessen the hours of labor, appeals were made to the legislature, and when these brought no results the mechanics of Fall River urged their fellow workmen in New England to form associations and send delegates to a convention.† When it met, at Boston, resolutions were adopted setting forth that the long hours given to manual labor were unreasonable and unjust, ruinous to health and mental vigor, and a denial of the right of every man to recreation; that a memorial should be sent to the legislature praying for a law forbidding any corporation to employ persons for more than ten hours a day,‡ and that a New England Association of Workingmen should be formed and a time and place for its first meeting fixed.

The New England Workingmen's Association was accordingly formed, the first of a series of conventions was held at Boston in 1844, and when the legislature met petitions praying that it pass a ten-hour law came up from Lowell, Andover, and Fall River. They were signed by twenty-one hundred and thirty-nine operators, who complained of long hours and unhealthy rooms. The committee

* New York Weekly Tribune, May 2, 1846.
† Working Man's Advocate, June 29, 1844.
‡ The Awl, October 23, 1844.

having the matter in charge examined petitioners and visited the mills. From the petitioners it was learned that work began at five o'clock in the morning and ended at seven in the evening; that half an hour was allowed for breakfast and three-quarters of an hour for dinner; that some who were paid by the piece earned from sixteen to twenty-three dollars a month; and that others employed by the week were paid for that time one dollar sixty-two and a half cents. From a visit to the mills at Lowell the committee learned that the average time of actual daily labor for a year was twelve hours and ten minutes, that the rooms, though far from what they might be, were not too bad; that mill work was not more unhealthy than any other sort of indoor labor, and that many who signed the petitions did so merely because they had been requested. It was the opinion of the committee that legislation was not needed. Should a law forcing the factories in Massachusetts to run their machinery but ten hours out of twenty-four be enacted, while those in Maine, New Hampshire, and Rhode Island were not restricted at all, it would shut the gate of every mill in the State. That it would be better if the hours of labor were less was true. But the remedy was not in legislation. Labor was intelligent enough to make its own bargains.*

The year 1845 saw the first Industrial Congress at New York, a strike by the cotton mill operatives of Pittsburg and Allegheny for a ten-hour day, a strike that failed, and the organization of the Workingmen's Protective Union at Boston. Success attended the scheme, and in time the name was changed to the New England Protective Union.

With 1846 came more petitions to the Massachusetts legislature praying for a ten-hour day, petitions which a committee recommended the petitioners should have leave to withdraw, more conventions, and more strikes. In January, 1847, a resolution passed declaring that the hours of labor of minors and apprentices and the number of hours of labor which should constitute a legal working day, unless otherwise specified by contract, ought to be fixed by law,

* House Document, No. 50, 1845.

and that a committee ought to be appointed to investigate and report by bill or otherwise. A meeting of Boston machinists threatened, if their employers did not adopt the ten-hour day, they would start a co-operative shop of their own, and a meeting of the Industrial Congress at New York called for a limitation of the quantity of land an individual might own, exemption of the homestead from seizure for debt, free farms for actual settlers, and a ten-hour day on all public works and for all chartered corporations. In 1847 New Hampshire put on her statute book "An Act regulating the Hours of Labor in Manufactures" * which provided that in all contracts relating to labor ten hours of actual labor should be a day's work unless a longer time was expressly stated; that no minor under fifteen years of age should be required to labor more than ten hours in any one day without the written consent of a parent or guardian, and that the penalty for the violation of this provision should be a fine of one hundred dollars.

By some the act was hailed with delight; by others it was heartily condemned as a fraud on the workingman. At Manchester those present at a public meeting called to rejoice over its enactment resolved: that man was endowed by his Maker with certain inalienable rights, among which were a right to a home on earth, a right to labor, and to limit for himself his hours of labor; that ten hours made a legal day's work, was all that his constitution could bear, and that they would sign no contract requiring more.† To Horace Greeley it seemed a poor affair, for the provision concerning minors was a mockery. Were the constitutions of the future fathers and mothers of the nation, he asked, to be undermined and broken down by laboring twelve or fourteen hours a day? Would any one pretend that ten hours of persistent toil was not enough for a child? If so, then why should the consent of a guardian or parent be suffered to overrule the demands of justice and humanity and the public weal? It should be out of the power of a

* Act of July 3, 1847.

† Lowell Voice of Industry, August 27, 1847, Commons. Documentary History of American Industrial Society, Vol. 8, p. 192.

drunken father or mother living on the earnings of a child to make void the immunity of the law.*

The next victory was in Pennsylvania, where labor performed in a period of ten hours in a secular day in any cotton, woolen, silk, flax, paper, or bagging factory was made a legal day's work, and minors under the age of twelve were forbidden to work in any cotton, woolen, silk, or flax factory. But minors above the age of fourteen might labor more than ten hours a day under special contract with their parents or guardians.

If the laboring class, said the *Tribune,* is thankful for such a reform as this, it is certainly not wanting in gratitude. Do not young women in book-binderies, shoe-binderies, and milliners' shops need protection by law as much as spinners and weavers? Are not sixty hours a week as many as children ought regularly to work? If so, then with what justice can the legislature prescribe that with the consent of parents or guardians they may be forced to work longer? The act is very much of a humbug.†

The cotton mill owners of Allegheny City thought otherwise, and, as the day whereon the law was to take effect drew near, they met in Pittsburg to decide what course to take. They approved of the exclusion of children under twelve; but were sorry for the widows thus deprived of the common necessaries of life. They must, however, run their mills twelve hours a day, for it would be ruinous to attempt to compete on a ten-hour basis with manufacturers who in both free and slave States were untrammeled in hours of labor. They decided, therefore, to resort to special contracts for twelve hours of labor a day. To this the operatives would not submit, and were laid off. The end was a compromise. The mill owners accepted the ten-hour day and the operatives a reduction of sixteen per cent. in their wages.

The revolutionary movements in Europe in 1848, and the temporary success of the Socialists in France, powerfully affected the labor movement in our own country. Socialistic doctrines became popular, and meetings were held to con-

* New York Weekly Tribune, August 14, 1847.
† Ibid., April 22, 1848.

gratulate the repealers in Ireland, the Chartists in England, and the followers of Louis Blanc in France. At one held by the printers in Boston it was resolved to send an address to the printers in Paris, setting forth that they rejoiced to learn that the people of France were demanding that social reform which would give to the workingman the fruits of his industry and skill. At another, in Boston, congratulations were voted to the workingmen of France and to the provisional government, and sympathy expressed for the English Chartists and the Irish Repealers, and demands made for a ten-hour day, a good lien law, free farms on the public domain, the inalienable homestead, the end of slavery white and black, the reduction of official salaries of eight dollars a day and upward, and the establishment of a labor department by the Government.

The tailors of Boston in 1849, after a strike lasting fourteen weeks, concluded that, as every effort of workingmen in Europe and America to better themselves by strikes and trade unions had failed, they would try co-operation, formed The Boston Tailors' Associative Union, and opened a shop of their own.*

Co-operation now spread to other cities. In Philadelphia the tailoresses in 1850 appealed to the public for help to form an association and open a shop, and a public meeting, over which the Mayor presided, named a committee of gentlemen to raise the money needed.† A number of printers, whose employers would not accept a scale of wages just adopted by the craft, were assisted by their more fortunate brethren and opened a printing house on the co-operative plan.‡ Horace Greeley advised the New York printers, when they presented a scale of wages to their employers, not to strike, if the worst came to the worst, but form a joint stock company.§ Other trades in New York had already begun to organize in order to employ their members

* Commons. Documentary History of American Industrial Society, Vol. 8, pp. 279-285.

† Advertisement in the Public Ledger, March 14, 1850.

‡ Philadelphia Public Ledger, October 24, 1850.

§ Ibid., November 5, 1850.

and sell the product of their labor in their own shops at fair prices.*

The tailors, having demanded an advance of twenty-five per cent. in their wages and having been refused, organized and drew up a bill or table of prices. The English, Irish, and Scotch tailors approved; but the Germans went on at the old rates, whereupon some of them, men and women, were stopped on the streets and their work taken from them, for it was then the custom to cut the garments in the shop of the employer and give them out to the tailors to make up at their homes. Two large employers complained of this interference; a magistrate issued warrants, and some forty of the strikers were lodged in jail.† This served but to make matters worse. The German tailors struck, and meetings were held in the Park and the crowd addressed by Socialists, Red Republicans, and reformers. To the men thus gathered one Saturday afternoon Albert Brisbane said, "We must do away with servitude to capital. Capital locked up by selfishness is the infernal tyrant of to-day, and what we want to know is how to change, peacefully, the system of to-day. The first great principle is combination. You are slaves because of no concert of action. You produce the wealth of the world, and you have not got it, because you allow a certain class of men to be your merchants, bankers, employers." On another occasion the English-speaking and the German tailors drew apart and each meeting was addressed in its own tongue. "Many of us," said a German Socialist, "have fought for liberty in the fatherland. We came here because we were oppressed, and what have we gained? Nothing but misery, hunger, oppression, and treading down. But we are in a free country, and it is our fault if we do not get our rights. Yes, stand out for them in fire and water rather than submit to tyranny of the capitalists, the aristocrats, the oppressive employers. Let those who strike eat; the rest starve. Butchers and bakers must withhold supplies. Yes, they must all strike, and then the aristocrat will starve. We must have a revolution. We cannot

* Philadelphia Public Ledger, May 3, 1850.
† New York Herald, July 20, 1850.

submit any longer. Come, then, to the work." "It is time," said another, "to fight again, and to fight boldly. We must not flinch. We must be resolute." "Revolution," cried a third, "is the word. We must have a revolution. We cannot submit any longer. Revolution! revolution! revolution!" *

The two reforms, co-operation and the Industrial Congress, now spread to other States, and the New England Industrial League,† the Pittsburg Workingmen's Congress,‡ and the New York State Industrial Legislature were organized,§ and took into consideration hours, wages, contract labor, land reform, schools and colleges, political action, and co-operation.

In Massachusetts another committee appointed by the legislature reported that the hours were much too long. During one month, April, thirteen hours a day were exacted from the hands; during four months twelve hours and a half; during four others but a few minutes less than twelve, while the shortest time was eleven hours and nine minutes, during December and January. Adding to the thirteen hours forty-five minutes allowed for breakfast, a like time for dinner, thirty minutes for supper, and thirty more for rising, dressing, and going to the mill, the time actually required of each operative for labor, meals, going to and returning from work was fifteen hours and thirty minutes, leaving but eight and a half hours for sleep, amusement, and betterment of the mind.

The committee reviewed at great length the effect of protracted labor in ill-ventilated mills on health, how it weakened the body and made it susceptible to disease, weakened the mind and, causing lassitude and listlessness, led to the use of stimulants and bred intemperance, and how, leaving no time for education, it encouraged and produced ignorance. So long as the mill workers were exclusively the sons and daughters of New England, trained in virtuous homes and

* New York Herald, August 5, 1850.
† New York Tribune, June 18, 1850.
‡ Ibid., April 22 and July 18, 1850.
§ Ibid., July 23, August 30, September 4, 5, 6, 1851.

educated in the schools, these evils need not be feared. But a great change was coming about. Foreigners were rapidly replacing the New England mill worker, and there would soon exist a strictly manufacturing population bound fast by circumstances to factory employment. These foreigners, untaught at home and having no time for education here, would remain steeped in ignorance, and then the evils of long hours of work would be manifest in the low tone of morals and the low physical condition of the operatives.* The committee, therefore, urged a limitation of the hours of labor and more time for meals, and reported a bill which was not passed.

Meantime New Jersey had been caught by the movement and had made ten hours a working day in all her cotton, woolen, silk, paper, glass, and flax mills, had forbidden the employment of children under ten years of age in any mill or factory,† had removed the freehold qualification from jurors, had exempted the homestead from seizure for debt, and had spread the mechanic's lien law to all the counties in the State.‡

In Philadelphia, when the workingmen met to ratify nominations made by a committee, they adopted a platform which called for free farms on the public domain; a limitation of the quantity of land an individual could own, homestead exemption, extension of the lien law to secure the wages of laboring men; a general law for the incorporation of industrial associations; an act making it a criminal offense to violate the ten-hour law, and expressed uncompromising hostility to banks, chartered monopolies, and special privileges of all kinds, and to the employment, in shops and factories, of children under thirteen. Delegates from all the Irish societies in New York City met in convention and petitioned the legislature to restrict labor on all public works to ten hours a day, and require contractors to pay each laborer one dollar a day. They complained that laborers on the public works were often discharged and could not

* Massachusetts House Documents, No. 133, 1850.
† Laws of New Jersey, 1851, Act of March 18.
‡ Act of March 7, 1851.

collect wages, sometimes months overdue; that they were forced to work from sunrise to sunset for fifty or seventy-five cents; that they were compelled to take part of their wages in trade at small liquor and victualing stores erected along the lines of public works, and that these conditions were the causes of frequent riots.*

A workingmen's convention at Boston, attended by one hundred and ninety-six delegates from fifteen towns and cities in Massachusetts, formed a permanent organization called the Legion, and questioned candidates for Governor, Lieutenant-Governor, and the General Court: Are you, they were asked, in favor of a law forbidding corporations in Massachusetts to employ persons to labor for more than ten hours a day, and will you do your best to procure such a law? †

Nor was this all. In obedience to the popular demand, homestead exemption laws were enacted by eight Western,‡ and four Eastern, States § before the close of 1852, and bills, resolutions, and memorials providing for small grants of the public domain to actual settlers, or urging such action, were introduced in Congress. Douglas presented a bill to give one hundred and sixty acres to any head of a family or widow who would occupy and cultivate them for four years; Webster offered a resolution calling for inquiry into the expediency of granting a like quantity to any citizen who should live upon and cultivate it for three years, and Houston another, proposing to bestow a quarter section on any citizen not a land owner and whose worldly possessions were not worth fifteen hundred dollars, on condition of occupying and farming it for three years. The legislature of Missouri asked Congress to seriously consider the quantity of

* New York Herald, February 7, 1852.

† Ibid., October 1, 1852.

‡ Michigan, 1848, Act No. 109; Wisconsin, 1848, Revised Statutes, 1849, Chap. 102, § 51; Iowa, 1849, Chap. 124; Ohio, 1850, Act March 23; Illinois, 1851, Act February 11th; California, 1851, Chap. 31; Tennessee, 1852, Chap. CXVI; Arkansas, 1852.

§ Laws of Vermont, 1849, Act. No. 20; Laws of New York, 1850, Chap. 260; Laws of New Hampshire, 1851, Chap. 1089; New Jersey, 1851.

unsold land, the great number of squatters on it and unable to pay for any of it, and the expediency of donating forty acres to every person, head of a family, and not the owner of land in any State or Territory.* Indiana, unwilling to go so far, petitioned that each settler on the public lands be permitted to buy at least eighty acres at the cost of surveying and putting the tract on the market.† New York resolved that, as a large part of the people were landless and homeless, limited quantities of the public domain should be given to all actual settlers on it who owned no land and were too poor to buy any.‡ In the House Andrew Johnson of Tennessee became the champion of the landless, introduced a homestead bill, and strove manfully in its behalf till, in the spring of 1852, when Congressmen were soon to be nominated, seventy members of the House, fearing the consequences of opposition, absented themselves, and the bill passed. Then went up from some of the old States a cry of opposition. It would draw population from them, leave them to pay the debt incurred in acquiring the public domain, depreciate the value of their lands, for who would buy a farm in North Carolina when he could get one for nothing in Alabama or Missouri, and would tempt the scum of society in the old world to come and squat on our public domains and scatter seeds of political pestilence on the frontier, and in a little while the agrarian laws of Rome would be re-enacted in America.§ This wholesale robbery of the old States for the benefit of the new should be denounced by every honest man the land over. Will not the good sense of the Senate strangle this political monstrosity?¶ Besides the injury done to the old States by depriving them of their property in the public lands, and draining off their population, the agrarian character of the bill is most objectionable.‖ It is the most flagrant act of depredation on the public domain yet attempted by dema-

* Senate Miscellaneous Documents, 31st Congress, 1st Session, No. 23.
† Ibid., Document No. 86.
‡ Ibid., Document No. 35.
§ North Carolina Argus, National Intelligencer, June 1, 1852.
¶ Athens (Georgia) Herald, Ibid., June 1, 1852.
‖ Staunton (Virginia) Spectator, Ibid., June 1, 1852.

gogues.* Property and usefulness are the fruits of industry and self-dependence, not of government bounties and land plundering. There is no way of demoralizing any class more certainly than by means of gratuities.† Undoubtedly many citizens would rather have a farm given them than buy it. But they are greatly mistaken if they think they are the People of the United States. The People approve not of such agrarian and Utopian schemes.‡ Congress has no power to dispose of the public land save for national purposes. If it may donate land to the landless it may give money to the poverty stricken and take the value of one hundred and sixty acres out of the treasury and bestow it on each individual of the favored class.§ Instead of giving land to the homeless the bill will unsettle the homes of many honest persons who have bought their farms with hard earnings by bringing them into competition with other farms received as an alms by men too indolent and improvident to acquire them as others have.¶ The land reformers were greatly pleased by the action of the House, held a mass meeting by way of celebration in New York, listened to the reading of letters from Seward and Douglas, and to a speech by Johnson, and resolved that the cry of agrarianism was the worn-out expedient of the opposition, and that the American people owed a lasting debt of gratitude to Andrew Johnson, Horace Greeley, and A. G. Brown of Missouri for their fearless advocacy of the homestead bill. The Senate did not pass it.

By this time the workingmen were feeling the effect of the abundance of gold. During two years and more the placers of California had been pouring a golden flood over the country, cheapening the market value of bullion and lessening the purchasing power of coin, a depreciation now made apparent by the steady rise of prices. Rents and the cost of clothing, meats, flour, butter, provisions of all sorts

* Richmond Whig, May 15, 1852.
† Wilmington (N. C.) Journal, Ibid.
‡ National Intelligencer, May 31, 1852.
§ Richmond Enquirer.
¶ National Intelligencer, June 1, 1852.

went higher and higher till the workingman forgot all other grievances and cried out for higher wages. A dollar or even two dollars, which in 1850 seemed a fair return for twelve hours of toil, was all too little in 1853, and an epidemic of strikes swept over the country. Early in the year a thousand men in the shops of the Baltimore and Ohio Railroad Company, all conductors, engineers, and brakemen on freight trains, struck for higher pay; machinists and workmen in private shops joined them, and more than three thousand men stopped work. The railroad company and a few firms yielded, but four stood out, and their employees were supported by contributions from the workingmen of Washington, Alexandria, and Philadelphia. The journeymen printers now demanded an advance of thirty-five cents a thousand ems on newspaper work and got it. The movement by that time had spread to Philadelphia, where the painters struck for a dollar and three-quarters a day and were successful. In New York the joiners and shipbuilders refused to work for less than two dollars and a quarter a day; the caulkers insisted on two dollars and a half, the machinists an advance of ten per cent., and the house carpenters twenty-five hundred strong marched through the streets with a banner inscribed "The blow we strike is for $2.12½ per day." The mania now spread to each trade and occupation, and in a few weeks' time the engineers, the coal cartmen, the women's shoemakers, morocco finishers, blacksmiths, bootmakers, cotton and woolen spinners, lithographers, millwrights, and pattern makers were clamoring for more pay. The quarry men gave notice that they must have one dollar and twelve and a half cents; that is to say, nine shillings a day; the pianoforte makers two dollars and a quarter, the private coachman thirty dollars a month, the coal heavers an additional shilling, and the waiters in hotels and eating-houses an advance from twelve to eighteen dollars a month. Such was the dearness of provisions that the hotel keepers had just been forced to meet and issue a card announcing that the price of board would be raised from one and a half to two dollars a day, as had been done in Boston. To grant the demand of the waiters seemed, therefore, impossible,

and when they struck the Broadway House put women or Frenchmen in their places; but others compromised or yielded. Refusal of the newspapers to pay the new scale of wages caused a strike, and a few journals at once employed girl compositors. By the end of April all the strikes had been more or less successful, and the labor excitement quieted down. What took place in New York took place in other cities, and a general rise in wages and prices followed. In Boston the barbers now charged ten cents for a shave and twenty cents for hair cutting; in New York the milkmen began to demand more for a quart of milk, and the iceman doubled the old rates and were paid fifty cents a week for ten pounds of ice daily.

Proprietors of the drinking saloons in New York City met and resolved to raise the price of drinks from six to ten and twelve and a half cents because of high rents and the cost of living. Owners of the two-cent newspapers met and considered the question of increasing the price to three cents, and those in Boston advanced the rates of advertising.* In Washington strangers in the hotels complained of being forced to pay two dollars and a half a day for board and extra for gas and heat.

Coachmen in Philadelphia met and resolved that no body of men had a right to fix the wages of labor, and declared they would pay no fines while their petition was before councils. In Louisville the draymen, five hundred and sixty in number, struck for better rates and paraded the streets. In Cleveland building operations involving an outlay of a hundred thousand dollars were suspended because of strikes and the increase in wages. When the excitement was at its height in New York the legislature restricted the working day to ten hours. So did the Rhode Island Senate, and by the same bill forbade the employment of children under twelve in any manufacturing establishment in the State; prohibited those between twelve and fifteen to work more than eleven hours a day, or for more than nine months in a year. Three months must be allowed for schooling.

* In Albany, the penny papers raised their price to ten cents a week because of increased cost of labor.

Another reform which marks the early fifties was the introduction of the postage stamp. The failure of Congress, in the Act of 1845, to authorize the issue of such stamps, after the plan then in use in Great Britain, was followed by a gradual use of them by postmasters in the great cities and important towns. The postmaster of New York City happening to be in Washington in the summer of 1845, it was suggested to him that the people of his city would be much convenienced if he would sell envelopes that would pass free through his office.* He adopted the suggestion, had envelopes prepared marked "Five Cents" with his name "R. H. Morris" underneath, and sold them at six and a quarter cents each, or sixteen for a dollar.†

The scheme, however, was quickly abandoned, and the public was informed by a notice in the newspapers that he would sell stamps for the prepayment of postage, that they were of the value of five cents, would be sold in packages of five and upward, and that to prevent counterfeiting they could be purchased at the post-office and its uptown branch and nowhere else.‡

A St. Louis newspaper noticed the attempt to introduce the stamped envelopes, and asked why the postmaster of that city did not use them.§ He adopted stamps, and in November gave notice that he would sell eighteen of the five-cent denomination, or nine of the ten-cent variety, for a dollar.¶ Other postmasters followed the example set in New York and St. Louis, and before the year ended five-cent stamps were on sale at the post-offices in Brattleboro and in New Haven, and in 1846 at Alexandria, Baltimore, and Millbury, and five and ten-cent stamps at Providence and Worcester.‖

With these issues the Post-Office Department was in no wise concerned. They were private ventures of the post-

* New York Express, July 7, 1845.

† New York Express, July 8, 1845.

‡ Ibid., July 14, 1845.

§ Missouri Republican, July 17, 1845.

¶ Ibid., November 13, 1845.

‖ All these stamps are described in History of the Postage Stamps of the United States of America, John K. Tiffany, pp. 26-71.

masters, and were designed to save time heretofore spent by merchants and business men as they waited their turn at the post-office window to prepay postage. Some idea of the delay and inconvenience caused by this primitive method of handling the mail may be formed from the fact that so late as 1851 in Philadelphia there was but one window for the delivery of letters that had come in, and for the prepayment of postage on letters that were to go out. When a letter bearing a stamp was deposited in the office that issued it the postmaster marked the letter "paid," and put in the till for the benefit of the Government a sum of money equal to the value of the stamp. Some risk attended their use, for, if the postmaster died or was removed, his successor was under no obligation to recognize the stamps sold by his predecessor and still held by the people. Nevertheless, they were so convenient and so much used that Congress at last consented to do in 1847 what it had refused to do in 1845, and authorized the Postmaster-General to have five and ten-cent stamps prepared and issued to any Deputy Postmaster who should apply for them, and pay or become accountable for the number he received. When attached to packets or letters they were to be evidence of the prepayment of the postage, and no deputy postmaster should prepare, use, or dispose of any postage stamp not received from the Postmaster-General.* This put an end to private issues and marks the adoption of the postage stamp by the United States Government.†

And now the success which attended the operation of the law of 1845, reducing rates of postage, caused an agitation for a further reduction. Cheap Postage Associations were formed and Congress, during the session of 1849-50, was beset with petitions and memorials. They came from the legislatures of New York, New Jersey, Ohio, Michigan, from publishers of newspapers, from the faculties of ten colleges and universities, from Chambers of Commerce,

* Act of March 3, 1847.

† The five-cent stamp bore a portrait of Franklin, the first Postmaster-General of the United States, and the ten-cent a portrait of Washington.

banks, and hundreds of citizens scattered over the Eastern, Middle, and Western States. Thus beset, Congress in 1851 yielded, and passed an act providing that a letter going not over three thousand miles should be charged for each half ounce or fraction three cents postage, if prepaid, or five cents if not prepaid. For distances over three thousand miles these rates were to be doubled. Three-cent stamps were authorized, and, for convenience in paying postage, a three-cent silver coin was ordered to be struck by the mint. Letters going under twenty-five hundred miles wholly or in part by sea were to be charged twenty cents postage.*

Postmasters in the cities were authorized to establish city penny posts. The law went into effect on the first of July. As that day approached letters and circulars were held back in order to get the benefit of the reduced rates. Thus, in Philadelphia on July first some twenty thousand letters and circulars, or double the daily average, were mailed. In New York City the number of prepaid letters was five times larger than the usual daily average.† In Harrisburg fifteen thousand stamps were sold. In New York the demand for stamps was such that the postmaster announced that not more than fifty would be sold to any one person on any one day. During business hours on July first at Boston seventeen hundred dollars' worth of stamps were sold, and this under the rule of the postmaster that not more than three dollars' worth would be sold at a time to anybody. The Albany post-office before the law went into force used to receive each day about sixteen hundred and sixty letters, of which some four hundred were prepaid. In August the daily average was over twenty-five hundred, of which two-thirds were prepaid by stamps.

Complaints were now made that the stamps would not stick, for the people, unused to them, licked off the gum. The Boston *Transcript,* therefore, advised its readers to wet not the stamp, but the spot where it was to be placed.

In statutory and constitutional law some beneficent changes were made. Wisconsin abolished hanging. Massa-

* Act of March 3, 1851.

† Philadelphia Ledger, July 3, 1851.

chusetts struck treason, rape, and arson from the list of crimes punishable with death, leaving murder the only capital crime, and had forbidden the execution of a murderer till a year after sentence was imposed.* In Rhode Island, on the other hand, petitions were circulated praying for the restoration of the death penalty for murder,† and a like reactionary feeling existed in Michigan, where, since capital punishment was abolished, crime had increased, especially in Detroit.‡ Hanging was abolished by the Connecticut Senate, and solitary confinement for life substituted; but the House rejected the bill.§ In Pennsylvania the House passed a bill forbidding execution for one year after conviction of murder. If no evidence of innocence was brought to light during that time the Governor must issue his warrant for the execution of the criminal. Should the jury recommend to mercy the sentence must be imprisonment for not less than fifteen nor more than fifty years.¶

The new constitution of Maryland, which went into effect on the fourth of July, 1851, ordained "that no person shall be imprisoned for debt." Debtors in the Baltimore jail were accordingly brought before Judges Frick and Legrand, that the court might decide whether under this new constitution these unfortunate men might not be discharged. The warden was ordered to set them free.‖

New constitutions were made by Virginia, Michigan, and Kentucky in 1850, by Maryland, Indiana, and Ohio in 1851, and by Louisiana in 1852. Hitherto in that State judges were appointed by the Governor; the legislature met every second year; representation in the House was based on qualified electors; no white man could vote till he had lived two years in the State; and no adopted citizen till two years after naturalization. Each of these provisions was now changed. The people henceforth were to elect the judges; the legislature were to meet annually; representa-

* Philadelphia Public Ledger, May 26, 1852.
† Ibid., May 27, 1852.
‡ National Intelligencer, May 24, 1852.
§ Ibid., July 4, 1853.
¶ Ibid., April 13, 14, 1852.
‖ Ibid., July 7, 1851.

tion in the Assembly was based on population; and the naturalized citizen was no longer required to wait two years after naturalization before voting.

In 1852 New Hampshire removed her property qualifications hitherto required of Representatives, Senators, and Governor, and attempted to strike from her constitution the requirement that the Governor, each Senator, and each member of the House must "be of the Protestant religion." For so radical a change the people were not yet ready; the proposition was voted down at the polls, and the test remained.* In Connecticut in June, 1853, the House of Representatives defeated a bill providing for a convention to frame a new constitution, and on the following day a like proposition was voted down at the polls by the people in Rhode Island. A convention in Massachusetts remodeled her old constitution of 1780, inserted the old amendments adopted from time to time, and submitted the new constitution with seven propositions to the voters. Both constitution and propositions were rejected. One of them provided for the abolition of imprisonment for debt, and another forbade the appropriation of State money to sectarian schools.

In the convention which framed the proposed constitution a resolution to secure to married women full control of property acquired from parents, friends, or by their own labor and thrift was reported adversely. For nearly a decade this movement had been gradually spreading over the North, and in State after State attempts had been made so to extend the right of married women as to secure to them all property, real or personal, owned before marriage or acquired after by gift, bequest or devise, make it the separate property of the wife, and exempt it from attachment on account of the debts of the husband. Bills making such provision passed at least one branch of the legislatures of Pennsylvania, New York, and Connecticut in 1844. Those who withstood the movement did so because, as they said, to give women such a right would bring them into con-

* Yeas, 9,566; Nays, 12,092.

tact with the roughest scenes of life, would destroy their sensibilities, weaken their dependence on man, and thereby take away one of the loveliest of their charms. Resistance, however, was futile, and four years later Indiana, Pennsylvania,* and New York † yielded; California ‡ and Wisconsin followed in 1850, and a bill granting property rights to married women was defeated in the legislature of Tennessee.

The enactment of these laws was another step toward the emancipation of women from restraints made galling by the changes five and twenty years had wrought in the conditions of life. But other reforms were demanded, and to secure them a little band of social workers were bending all their energies. The time had come, it was believed, when the professions of theology, medicine, and law should be opened to women; when they should have equal rights with men in colleges, in trades, and in business; when they should be allowed to make contracts, sue and be sued in their own names, receive the same wages as men for the same work, and vote at all elections, and thinking so Lucretia Mott, Martha C. Wright, Elizabeth Cady Stanton, and Mary Ann McClintock in 1848 issued a call in the Seneca County *Courier* for a Woman's Rights Convention to be held at Seneca Falls in New York. The gathering was somewhat local; but from those present came a Declaration of Sentiments, fashioned after the Declaration of Independence, and a series of resolutions. The Declaration set forth that man had monopolized all profitable employments, had shut woman from all roads to wealth and distinction; had denied her a higher education by closing the colleges against her; had made her, if married, civilly dead, and, if single, taxed her to support a government in which she had no share; had forced her to submit to laws in the formation of which she had no voice; had never suffered her to use her inalienable right to vote, thereby leaving her without representation in the halls of legislation; had taken from her all right in property even to the wages she earned, had assigned her in

* Act of April 11, 1848.
† Chapter 200, Laws of 1848.
‡ Statutes of California, 1850, Chapter 103.

the church a subordinate position, claiming apostolic authority for her exclusion from the ministry, and had endeavored by every way he could to destroy her confidence in her own powers; lessen her self-respect and make her willing to lead a dependent and abject life.* A hundred men and women signed the Declaration.

In substance the resolutions were that woman was man's equal, that all laws which put her in a position inferior to that of man were contrary to the great precept of nature and of no force or authority; that women ought to be enlightened as to the laws under which they lived that they might no longer publish their degradation by saying they were satisfied with their position, nor show their ignorance by asserting they had all the rights they wanted; that woman had too long rested content in the narrow limits worked out for her by corrupt customs and a perverted application of the Scriptures, that it was time for her to move in the sphere assigned to her by the Creator, and that it was the duty of the women of America to secure their sacred right to vote.† After a session of two days the convention adjourned to meet two weeks later at Rochester, where it was resolved to petition the legislature to grant women the right to vote, and to petition year after year till it was obtained; that as all governments derived their just powers from the consent of the governed, women who were not represented ought not to be taxed; that the assumption of the law to settle the estates of men who died without wills, leaving widows, was an insult to women; that the husband had no right to hire out the wife, collect her wages, and appropriate them to his own use; that the promise of obedience in the marriage contract was a hideous and barbarous custom which should be overthrown; and that it was the duty of woman to assume as soon as possible her true position of equality in the social circle, the Church, and the State.

To the newspapers of that day the proceedings of the two conventions were a source of much amusement. Under

* History of Woman Suffrage. Stanton, Anthony and Gage. Vol. I, pp. 70-71.

† Ibid., Vol. I, p. 72.

such headings as "The Reign of Petticoats," "Office-seeking Women," "Bolting among the Ladies," "Insurrection among the Women," journal after journal made fun of "the Amazons" and their claims. But the movement was not to be checked by ridicule. Indeed, New York, by act of 1848 and 1849, put married women on an equality with their husbands, and empowered them to hold, in their own name, convey, and devise real estate and personal property. In 1850 the women of Ohio were summoned to gather at Salem to take steps to secure recognition of their rights, and the extension of the privileges of government without regard to sex or color. From this assemblage came a memorial to the convention which met soon after to revise the constitution of Ohio, and an appeal to the women of the State. They were reminded that the political condition of women was little better than that of the slave. They had neither part nor lot in the formation nor in the administration of government. They cast no votes, held no offices, were answerable to laws they had no share in making, and were taxed to support a government in the direction of which they had no voice. They were reminded that a wife was almost at the mercy of her husband. If debts were due her he could collect them. If she earned money it was his. He controlled the income of her real estate and all her personal property, unless especially secured to her, became his at the altar, and could be disposed of in spite of her. She could make no contracts binding him or herself. In no instance could she sue or be sued alone in a civil action, nor could she in any State, save Ohio, make a will. They were besought to rise from the lethargy of ages, assert their rights as human beings, and demand their true position as co-workers with their brethren in the world of action.*

The Salem convention had scarcely adjourned when some women attending an anti-slavery meeting in Boston laid plans for a National Woman's Rights Convention to meet in

* History of Woman Suffrage, Stanton, Anthony and Gage, Vol. I, pp. 106-110; Philadelphia Public Ledger, May 3, 1850; National Intelligencer, April 23, May 8, 1850.

Worcester in the autumn. Citizens of six States signed the call, and more than two hundred and fifty, representing eleven States, came to the convention. By these it was resolved that every human being required to obey a law was entitled to a voice in the enactment of that law; that every human being whose labor or property was taxed to support government was entitled to a direct share in the administration of that government; that political rights acknowledged no sex, and that the word "male" ought to be stricken from every State constitution. The law of property as affecting married persons ought to be thoroughly revised; all civil and professional employments thrown open to women, and the wrongs of two million slave women of the South, "the most grossly wronged and foully outraged of all women," ought not to be forgotten. "Equality before the law without distinction of sex or color" was the motto to be inscribed on the banner of every party which claimed to represent the humanity, civilization, and the progress of the age.

Woman's Rights Conventions now became of yearly occurrence. During 1851 they were held at Akron, Ohio, at Dublin, Indiana, and at Worcester, Massachusetts; during 1852 at Westchester, Pennsylvania, at Syracuse, New York, and at Massillon, Ohio. By that time the movement had reached Kentucky, which empowered any widow having a child between the ages of six and eighteen years to vote in person or by letter, at any election for trustees of a school district.* A petition to the New York Legislature set forth that, although act of 1848 and 1849 had placed married women on an equality with men, and given them the same right to hold, convey, and devise real and personal property, nevertheless women, married and single, still suffered under grievous legal disabilities. Therefore, they asked for a revision of the statutes, and absolute equality of men and women.

The select committee which reported on the petition recommended that the wife have the right to collect and control the earnings of herself and children, when neglected

* Revised Statutes of Kentucky, 1852, Chapter 88, Article 6, Section 1.

by her husband, and a voice in the disposition of a child when apprenticed or put under a guardian. But the reformers wanted more than this, and stated their demands in a call for a national convention to meet at Boston in June. To it were invited all who believed in a fair day's wages for a fair day's work; in the equal right of all children in the community to all public provision for education; in the right of human beings to determine their own sphere of action; in trial by a jury of their peers; all who believed taxation without representation was tyranny; and all who believed in the right of adult Americans to have a voice in directing the government whose laws they must obey.*

The crowds which came to the Woman's Rights Convention were composed of anti-slavery leaders, male and female, and their ardent followers, temperance agitators, and social reformers great and small. Conspicuous among these last were the followers of Amelia Bloomer. Nothing in the opinion of these people was more absurd than for women to clamor for their social, civil, and political rights while they continued to wear long skirts and corsets. If woman were to take her place by the side of man as his equal, if she were to compete with him in the professions, in the business world, in innumerable trades and callings, she must abandon her foolish costume and adopt one better fitted to her new sphere of action. Such a one was that worn by Mrs. Bloomer, consisting of gaiters, loose Turkish trousers, a skirt that came down to the knees, a short jacket, and a gipsy hat of straw. Lucy Stone, Susan B. Anthony, Elizabeth Stanton, the Grimké sisters, and a host of other women, leaders in the anti-slavery and Woman's Rights movements, put on the Bloomer costume and wore it in public and at conventions. But this dress reform went further, and was adopted by women who seem never to have troubled themselves about the wrongs of the negro or the wrongs of their sex. At Lowell operatives wore Bloomers,† and on the fourth of July marched in the parade.‡

* New York Tribune, May 4, 1854.
† National Intelligencer, June 18, 1851.
‡ Ibid., July 11, 1851.

When two females clad in the strange garments appeared one evening on Washington Street, Boston, the rabble of jeering boys and men that followed them became so great they were forced to seek refuge in a carriage.* Two others who attempted to walk the streets of Baltimore dressed "à la Turk" had a similar experience.† Some young women of Easthampton, Massachusetts, having appeared in Bloomers, the minister warned them that if they continued to wear such clothes he would sever their connection with the church. When the Hydropathists held a cold water festival in a town on the shore of Skaneateles Lake, two score women present wore Bloomers and were addressed by Mrs. Bloomer, Mrs. Stanton, and others wearing the reform dress. At New York there was a meeting of friends of "the bifurcated costume" in Hope Chapel. With the public the craze soon ran its course. Ridiculed by the press, jeered at by the crowd, frowned at by their own sex, the mass of women who at first so eagerly donned the short skirt and trousers quickly went back to their old dress. But there were others of sterner make who continued to look up to Mrs. Bloomer as their guide, read her monthly journal, "The Lily," and attended Woman's Rights conventions in the costume which bore her name.

The times were singularly productive not only of reforms but of popular delusions and crazes which the press called "isms." There were the hydropaths, the vegetarians, the followers of Graham, whose chief article of diet was bran bread—Graham bread, as it was then called—and the devotees of a new cult called spiritualism.

In the early winter of 1848 the family of John D. Fox, consisting of himself, his wife, and two daughters, living in Hydeville, Ontario County, New York, were startled by nightly rappings on the floor of the bedroom of the youngest child, Kate. That she made the raps with her toe admits of no doubt. Using the letters of the alphabet, a sort of communication was established, ages of members of the family were asked and correctly given, and the announce-

* Boston Transcript, June 21, 1851.

† Baltimore Cipher, June 24, 1851.

ment made that the rapper was the spirit of a murdered peddler. From Hydeville the two girls went to reside with a married sister at Rochester. Thither the rapper followed and there, in the autumn of 1849, modern spiritualism was founded. A public exhibition was given in a hall by the sisters, communication was held with dead relatives of those present and with the spirits of eminent men, and the fame of the Rochester knockings spread over the country. Many came to see, "Spirit Circles" were formed, and new media who could induce spirits to move sofas, tables and chairs, ring bells, and play musical instruments were discovered. By 1850 the Fox sisters had become such adepts that they made bold to move to New York City and gave exhibitions in a house on a corner of Eighth Avenue and Nineteenth Street, and later at Barnum's Hotel.* Crowds visited them. Eminent men, Cooper, the novelist, Bancroft, the historian, Bryant, the poet, Dr. Hawkes, Dr. Frances, Griswold, and many more, were often among the spectators. A typical scene occurred one evening at the home of Griswold. The Fox sisters sat on a sofa. Before them in a group around a table stood the guests. One of them, thinking of some person, asked if he lived in New York. No response. In Baltimore—silence. In Cambridge—no knocks. In Boston —three raps, meaning yes. Was he a lawyer, doctor, merchant, clergyman? Yes. How old was he—ten, twenty, thirty years? Yes. Dr. Francis then asked if the spirits would confer with the world-renowned author, Cooper. No sound. With the great American poet, Bryant. Silence. With so humble an individual as himself. A perfect volley of knocks.†

The Rochester knockings now became even more a matter of popular interest than mesmerism had been ten years before. Fakirs hastened to practice it; media appeared by scores, spirit circles increased and multiplied, and new phenomena were discovered. A minister at Stratford in Connecticut wrote that he was disturbed by knockings of which no one could discover the cause, but which he at-

* Philadelphia Public Ledger, May 16, 1850, and June 10, 11, 1850.
† Ibid., June 14, 1850.

tributed to bad spirits and the devices of Satan. At Syracuse a house occupied by a man and wife, son, and three daughters was fairly infected by spirits. Communications were held with the dead, thoughts of persons far away were disclosed, guitars and pianos were played, and tables, chairs, and other articles moved about the rooms of their own accord. When the letters of the alphabet were hung by strings to a wall and a question asked rappings were heard behind those necessary to spell the answer, or they were violently shaken.* Tales such as this served but to excite the credulous and superstitious, and the craze spread so rapidly that in 1852 conventions of spiritualists were held at Cleveland, at Boston, and at Worcester. The *Spiritual Telegraph*, a weekly journal, was founded at New York to spread the faith, and the *Anthropologist,* a journal of the Mesmerists at Milwaukee, came out strongly in support of spiritualism. At the Cleveland convention an address, said to have been dictated by the spirits, was read, experiences of the faithful were heard, "Where are the twelve Apostles," "Three grains of corn," "Vote yourself a farm" were sung, and such questions as: Why are the toe joints of the Fox sisters spiritual media? and Why do not the spirits give ocular demonstrations? were discussed. A medium announced that more harmony was needed, that the spirits wished all unbelievers to withdraw, and that, as the three classes of media, the rapping, the vibrating, and the writing, could not harmonize when seated together, they must sit in separate groups.

Spiritualism now invaded the editorial office, and one rapper offered to write spirit communications foretelling the election of Pierce. Another rapped out the opinion of Calhoun on the Isthmian Canal. Even the pulpit did not escape. A Wisconsin newspaper declared that divines were delivering sermons of spirit origin in which it was announced that the Millennium was at hand, that baptism was wrong, and that water, not wine, should be used at the Sacrament. The Fox sisters meantime were traveling over

* New York Herald, May 13, 1850.

the country. At Cincinnati, where large audiences met them, Madame Pulszky of Kossuth's suite had an interview and was much impressed by correct answers in the Hungarian language. At St. Louis they appeared, it was announced, with consent of the spirits.

On the feeble-minded the effect of spiritualism was much the same as that of Millerism had been. Hundreds went crazy. An Ohio editor saw in the lunatic asylum at Columbus twenty persons whose insanity was directly traceable to spiritualism. The Ohio Board of Trustees of Benevolent Institutions called attention to the large number of cases of insanity "caused by the present popular delusion called spirit rapping," and to "the suicidal tendency especially prevalent" among the afflicted. When the report was written there were twenty-six such persons in the State institution, but when it was published the superintendent said there were forty, "mostly from the Western Reserve, where the delusion flourishes." Nine others were in the Utica asylum. Neglect of business, neglect of families, scouting of Christianity, spiritual wifeism, were some of the evil effects of the new craze. In Chicago a bank was run by the aid of a woman medium, who rapped out what the spirits of Washington and Hamilton thought of the credit of would-be borrowers. When the spirits refused to redeem bills those who presented them were ordered out of the room; but the spirits were unable to exclude the Sheriff when he came to take possession. So bad did the craze become in the East that in 1853 the legislature of Massachusetts recommended its Committee on Education to consider whether legislation was needed to suppress the imposture of spiritualism, and, if so, to report what should be done.

To put down the craze by legislation would have been impossible, but that the question of attempting so to do should have been made a matter of inquiry shows how radical sometimes was the attitude of the people toward social conditions. Another illustration of this state of mind was the treatment of the evil of intemperance. In the opinion of many communities, it, too, should be stamped out by

legislation. During nearly forty years after the founding, in 1808, of the first temperance society in our country, the campaign against drunkenness had been one of moral suasion. Lecturers traversed the country, depicting the horrible results of intemperance and exhorting their hearers to forsake the habit. By one means and another men were persuaded to sign a pledge to abstain from intoxicating liquors. Later the pledge of total abstinence was insisted on, but the middle of the century was almost reached before the manufacturers, distillers, and traffickers of liquor were attacked by the legislature. The fruit of persuasion had, indeed, been plentiful, but the stream of immigrants that poured into the country made such quiet methods too feeble to contend with the growing evil, and a demand was made on the legislature of New York for some measure of coercion. Afraid to refuse and afraid not to comply, the legislature shifted the issue to the people and ordered a special election in each city, town, and ward as to whether there should be license or no license. In May of 1846 the majority of towns and wards voted no license; at the next election the majority was less, and in time the law was repealed.

Though the experiment failed, the cause was not lost. Agencies were at work which convinced the people that the evils of intemperance must be checked. Pauperism, vice, riot and disorder in the great cities, all directly traceable to the use of liquor, the employment of large bodies of men by corporations which must have sober ones, did far more to convert the people to the support of temperance legislation than pledges, societies, speeches, or even the excellent work of the Apostle of Temperance, Father Mathew. When, therefore, Neal Dow, Mayor of Portland, appealed to the legislature of Maine for aid, he found small difficulty in persuading it to enact what has ever since been known as the Maine Liquor Law.*

The chief provisions of this famous act were that no person should manufacture or sell directly or indirectly any spirituous or intoxicating liquor. But the Selectmen

* Acts and Resolves of Maine, 1851.

of any town or the Mayor and Aldermen of any city might, annually, on the first Monday in May, appoint a suitable agent to sell spirits, wines, or liquors for medicinal and mechanical uses and for no other. If three voters complained on oath before a justice of the peace or judge of a municipal or police court that they believed liquors were kept, or deposited and intended for sale, by any person not authorized, the justice or the judge must issue a warrant of search, and the sheriff or constable must search the store, shop, warehouse, or building, and, if liquor were found, seize and destroy it, but no dwelling could be searched unless liquor had been sold therein.

The victory was a great one, and a craze for temperance legislation swept the country from Maine to Minnesota. A convention in New Hampshire demanded prohibition, but the State Senate before acting submitted its bill to the judges of the Superior Court for an opinion. They declared it unconstitutional because searches might be made without warrant, because excessive bail might be required, because trial by jury and appeal were not provided for, and because it would give justices of the peace authority not sanctioned by the Constitution.* A bill framed to overcome these objections was indefinitely postponed.† Vermont forbade the manufacture and sale of liquor save for chemical or manufacturing purpose or for use at the Lord's Supper, and prohibited any person to buy, sell, or suffer his clerk, servant, or agent to give away any spirituous liquor or mixed drink.‡ A bill framed on the Maine model was adopted by Rhode Island and went into force on the third Monday in July.§ During the fortnight preceding that day the demand for liquor was so great that many a dealer sold more than he had ever before disposed of in a twelvemonth. As the hour when tippling must stop approached men hurried through the streets with demijohns and jugs, the rich stocked their cellars, and the poor spent all their money for liquor.

* National Intelligencer, November 22, 30, December 3, 1852.
† New York Herald, December 31, 1852.
‡ Vermont Public Act, 1852, No. 24.
§ Acts and Resolves, 1852, May Session.

Should the law be enforced at Newport the summer trade, it was feared, would be ruined. Thousands of the votaries of fashion, it was said, came there every August. But these, because of the despotic Maine law, would shun Newport and go to the White Mountains. The town meeting, therefore, sought to evade the law and show contempt for it by appointing as common informer a man who was nearly blind and was a spiritualist. But the work of informing was taken up by an ardent temperance man, and the proprietors of the United States Hotel and of the Ocean House were soon under bonds to appear for trial, and five barrels of liquor and three kegs marked "lard" consigned to the Exchange Hotel, in Providence, were seized at the Stonington depot.* Hotel proprietors then formed a defensive alliance to fight the laws, and the case of Green *vs.* Briggs *et al.* was soon before the United States Circuit Court for Rhode Island on a writ of replevin to recover liquor entrusted to Briggs as constable to be destroyed by order of the Court of Magistrates. The Circuit Court ruled the law to be unconstitutional because the plaintiff was deprived of property by criminal prosecution, in which he could not have trial by jury without submitting to conditions the legislature had no constitutional power to impose.†

The Massachusetts act ‡ went into force two days after that of Rhode Island and met with like resistance. It was only by the casting vote of the Mayor that the Board of Aldermen consented to appoint an agent for the sale of liquor under the law, and when a special meeting was called to make the appointment there was no quorum. Associations to enforce the law were formed over all the State, and in town after town bitter opposition was made. When the Marshal and a *posse* broke into a house and seized a large quantity of hidden liquor at Salem, a crowd gathered and pelted with eggs a clergyman noted for his zeal in enforcing the law. Two hundred people of Newton met and denounced

* Providence Journal, August 16, 1852.

† New York Herald, December 31, 1852. Washington Union, January 4, 1853.

‡ Massachusetts Acts and Resolves, 1852, Chapter 322.

the law. Watertown liquor dealers openly defied it. In some places witnesses were attacked by mobs. At Worcester the homes of two advocates of prohibition were visited by a man, and when the owners came forth to meet him each received a blow on the head.

When Connecticut passed an act for the suppression of intemperance * requiring that agents for the sale of liquor for chemical and manufacturing purposes should be appointed and appropriations made by town meetings, the Democrats hoped to defeat the administration of the law by voting in each town an appropriation of six and a quarter cents. But the plan failed and the act was rigorously enforced.

In New York the struggle at the polls and before the legislature was long and bitter. At the election in the fall of 1851 the temperance question was brought into politics, and three Senators and six Assemblymen were elected on the issue. Encouraged by this success, a City Temperance Alliance was organized in New York,† and the women who were leaders in the Woman's Rights movement petitioned the legislature, held a State Temperance Convention, formed a Woman's State Temperance Society, and, despite jeers, scoffs, and insults, spoke to audiences wherever they could be gathered. No woman, they held, should be wife to a confirmed drunkard. Intemperance should be good ground for divorce, and the law makers should be called on to so change the law as to permit it. Lecturers should be sent about, tracts scattered broadcast, and all means of enlightening the public should be used. For the time being their efforts were fruitless, and the Maine law was again lost in the legislature. A bill to submit it to the people did, indeed, pass the Senate at the next session, but was lost in the House.

In Pennsylvania in 1854 a Maine law was passed by a small majority and submitted to the people. The question was prohibition or license, and in a poll of three hundred thousand votes the majority against prohibition was some three thousand. For this the German counties were

* Laws of Connecticut, 1854, Chapter LVII, June 22, 1854.

† New York Herald, January 30, 1852.

blamed.* The Massachusetts act was now declared unconstitutional; and an attempt to pass a Maine Liquor Law was defeated in New Hampshire and Maryland.

Michigan in 1853 submitted her act to popular vote at a special election to be held in June in every township, village, and city in the State. If it received a majority vote it was to go into effect in December; if it did not it was to take effect in March, 1870.† The majority in favor of the act was twenty thousand. A Wayne County Court declared it unconstitutional. The Constitution, it was held, did not authorize the submission to the people of any act for their approval or disapproval, expressly forbade the passage of an act granting licenses to sell intoxicating liquors, and expressly granted trial by jury in all penal cases, which the Maine law did not.‡ The Supreme Court of the State was equally divided, and the law in consequence was made practically void. In the Circuits presided over by the four judges who thought it unconstitutional all cases would be decided accordingly, and, as the people who would be the complainants had no appeal, the decisions would be final. In the other circuits whose judges held the law to be constitutional the defendant in any case might appeal to the Supreme Court, where the decision would be reversed by a vote of four to three, for the judge who tried the case could not sit.

The adoption of the Maine law by Minnesota § and its ratification by the people at the polls were followed by an attempt to enforce it at St. Paul, by an attack on the sheriff and his posse, by speeches to the crowd, and by a compromise which put the liquor in the hands of a third party pending an appeal to the courts.¶ The court held that the submission of the act to popular vote was unconstitutional. The legislature was the sole law-making body. Wisconsin ||

* New York Tribune, October 25, 1854.

† Laws of Michigan, 1853, No. 66.

‡ Detroit Free Press, December 10, 1853.

§ Minnesota General Laws, 1852, Chapter 4.

¶ Republic, September 8, 1852. For it, 27,519; against it, 24,109. National Intelligencer, December 20, 1853.

|| Wisconsin General Act, 1853, Chapter 101.

submitted her act to the people; those of Indiana * and Iowa † were set aside by the Courts, and in Virginia a committee of the legislature reported against a prohibitory liquor law and against submitting one to popular vote.‡ Mississippi forbade the sale of liquor without license, and unless the application was signed by a majority of the legal voters of the town. The long struggle in New Hampshire § ended with the enactment of a law for the suppression of drinking houses and tippling shops, and Delaware,¶ Ohio,‖ Illinois,** joined the goodly company of prohibition States. Ohio enacted her law the year before; but it was not till the Supreme Court of the State sustained and declared it constitutional that the people in general obeyed.†† Then the hotel keepers in Cleveland joined in a notice to the public announcing the closing of their bars; the fashionable saloons and restaurants followed; the Mayor in a proclamation called on venders of liquor to obey the law and the Carson League and the police saw to it that they did. What was done in Cleveland was done in Columbus, Chillicothe, Cincinnati, in all the cities of Ohio.‡‡

Iowa,§§ Michigan,¶¶ Indiana,‖‖ Massachusetts framed new laws to overcome the objections of their courts; and prohibitory bills were defeated in New Jersey by the Senate, in Illinois by the people; in New York by the veto of the Governor.*** But his successor approved one which provided††† that all licenses should lapse on the first of May, and the prohibitory sections should go into force on the fourth of

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* Law of Indiana, 1853, Chapter 66.
† National Intelligence, January 23, 1854.
‡ Ibid., January 31, 1854.
§ Act of 1855, Chapter 1658, July 14, 1855.
¶ Laws of the State of Delaware, 1855, Chapter CCXLXV.
‖ Act of May 1, 1854.
** Laws of Illinois, Act of February 12, 1855.
†† New York Tribune, January 24, 1855.
‡‡ Ibid., February 9, 1855.
§§ Laws of Iowa, 1855, Chap. 45.
¶¶ Laws of Michigan, 1855.
‖‖ Laws of Indiana, 1855, Chap. CV.
*** Messages from the Governors, Vol. IV., pp. 752-771.
††† Laws of New York, 1855, Chap. 231.

July. A dispute at once arose over the meaning of this latter provision. Well-known lawyers consulted by the Liquor Dealers' Association, the District Attorney, and the Corporation Counsel agreed that all licenses ended on the first of May, that after that date no more could be issued, and that until the fourth of July liquor might be sold without a license, like dry goods or potatoes, for, said they, as the prohibition against the sale does not take effect till the fourth of July, the penalty for violation of the prohibition cannot be in force before that time. Lawyers and judges equally well known took the opposite view, and for a time there was great excitement in the temperance societies, Carson Leagues, and among the supporters of the law. After July fourth it was rigorously enforced.

The Supreme Court of the Second District, sitting in Brooklyn, declared the search and seizure clauses of the act unconstitutional,* and the Court of Appeals affirmed the decision. The Supreme Court of the Eighth District in Buffalo held that the principle of prohibition was constitutional, but the Court of Appeals reversed the decision.† The Supreme Court of Delaware, on the other hand, unanimously upheld the constitutionality of the prohibitory liquor law of that State.

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* The People *vs.* Toynbee.

† Wynehamer *vs.* The People, 13 N. Y. 378.

CHAPTER LXXXVIII.

INTERNATIONAL ENTANGLEMENTS.

While the course of events which followed the close of the Mexican war was leading step by step to the Compromise of 1850, the attention of our countrymen was arrested and their sympathy deeply moved by the struggle for liberal government in Europe. During the early months of 1848 discontent, long gathering head, broke forth in revolutionary movements which swept over France, Germany, Italy, and Austria. In February Louis Philippe was driven from his throne and a second French Republic established. In March the people of Vienna rose and put Metternich to flight and when news of it reached Italy the populace of Milan drove the Austrian troops from that city, the people of Venice set up a republic, and in a short time the Austrians were expelled from the greater part of Lombardy, constitutional governments were granted to Piedmont, Tuscany, Rome, and Naples, and the King of Prussia called a national assembly to frame a constitution for all Germany. Revolution was the order of the day, and from Europe it spread to Cuba, the worst governed island on the face of the globe, where a feeble effort to throw off the yoke of Spain was set afoot by Narcisso Lopez. Lopez was a native of Venezuela, but had long lived in Spain, had been a general in the first Carlist war, commander-in-chief of the National Guard, a senator from the city of Seville, and governor of Valencia and Madrid. Angered by the rejection of the Cuban deputies to the Cortez, he resigned his senatorship and went to live in Cuba, where the tyranny he witnessed led him in 1848 to seek to become her liberator.

The time seemed most propitious. The revolutionary movements in Europe excited all who hated the rule of Spain. The liberation of the slaves in the French Antilles brought home to Cuban planters the danger which threatened them from the abolition policy of Great Britain and France, and made them allies of the Cuban patriots, and the close of our war with Mexico aroused the hope that men and generals might be enlisted from the returning American army.* But the American Consul at Havana heard of this and wrote Buchanan, who was instructed by Polk to inform our minister in Spain that orders would be issued directing that in no event should the transports bringing home the troops stop at any place in Cuba, and that in view of the possible loss of Cuba by revolution, or through seizure by Great Britain, he had reached the conclusion that Spain might be willing to part with it for a fair consideration. The minister might, therefore, offer not more than one hundred million dollars for the island. But when, with much hesitation and great delicacy, he made the offer he was told by the Spanish Minister of Foreign Affairs that Spain would rather see the island sunk in the sea than transfer it to any power.†

Meantime the work of Lopez in Cuba failed, and he with others found refuge in the United States. Safe at New York they began to plan a filibustering expedition. But the death of Worth, the election of Taylor, and the failure of the revolutionary movements in Europe proved serious obstacles. Nevertheless, the little band of filibusters

* Worth was approached at Pueblo and again at New York and Washington by Cuban delegates and offered command. He accepted, provided a hundred thousand dollars were raised for the benefit of his family.

Manifesto of Cuban Junta to the People of the United States. New York Herald, September 22, 1852. Also letter from J. J. Sprague, Captain and Brevet Major, U. S. A. Fort Croghan, Texas, October 10, 1851, to New Orleans Picayune, October 22, 1851. Captain Sprague says he has Worth's papers.

† "That it was more than any minister dare to entertain such a proposition; that he believed such to be the feeling of the country that, sooner than see the island transferred to *any power*, they would prefer seeing it sunk in the ocean."—Buchanan to Saunders, June 17, 1848, House Executive Documents, No. 121, 32d Congress, 1st Session, Vol. 12.

persevered. Lopez visited Washington, saw Calhoun, who told him his plans were not contrary to our law, bought muskets and ammunition at New York, went to New Orleans, enlisted men, and, in July, 1849, a band of four hundred and sixty were quietly taken by steamer from New Orleans to Round Island near Pascagoula to await the arrival of another party to be assembled and drilled at Cat Island at the mouth of the Mississippi. Orders were at once sent to the District Attorneys at Boston, New York, Philadelphia, Baltimore, and New Orleans to be vigilant; a warning proclamation was issued by the President; vessels were ordered to Cat Island and to Round Island to watch the filibusters; the District Attorney at New York seized the *Sea Gull* laden with guns and military stores and the *New Orleans,* which had been chartered to carry volunteers; the plans of the filibusters were defeated, the expedition was postponed, and the men on Round Island returned to New Orleans.*

Invasion of Cuba was put off, not given up. José Sanchez Ysnaga announced in the newspapers that the members of the Patriotic Junta for the promotion of the political interests of Cuba had taken up their residence in Washington, but did not intend to violate the laws of the United States, nor do aught they could not justify before any tribunal, human or divine. Their doings consisted in sending to Cuba proclamations designed to excite the people to revolt; issuing bonds, organizing juntas and clubs in the chief seaboard cities, enlisting and drilling volunteers, and in searching for a leader. The duty of finding one rested on Lopez, who, early in 1850, went to Jackson, Mississippi, and appealed to John A. Quitman, Governor of the State. Quitman was sorely tempted; but he was Governor of the State, was earnestly striving to lead her into secession, and to lay down his office in such a crisis would seem so like desertion that he declined; but gave sympathy and money. General John Henderson contributed liberally, the work of enlisting volunteers went rapidly forward, and early in April

* Senate Documents, 31st Congress, 1st Session, Vol. 13, No. 57.

the bark *Georgiana* and the brig *Susan Loud* crowded with men left New Orleans for Chagres. In May the New York *Sun* displayed a flag which it said was that of the Republic of Cuba, and announced a coming battle between the Spanish troops in the Ever Faithful Isle, and an expedition which had left the South.

The prediction came true, for the steamer *Creole,* with a few passengers, provisions, Lopez and a part of his army, had already sailed, nominally for Chagres, but really to meet the *Georgiana* and the *Susan Loud* off the coast of Yucatan. At the Balize guns, pistols, and sabers, taken from the State arsenal by the Adjutant-General of Louisiana, were put on board and all speed made for the Isle of Contoy. When half way there the *Susan Loud* was overhauled and her passengers removed to the *Creole.* At Contoy the *Georgiana* was found at anchor, and, the war supplies and arms she carried having been hastily transferred, the *Creole* headed for Cuba and reached Cardenas before dawn on May nineteenth. A landing was made at once, the governor and some officials surprised and taken prisoners, and the town occupied. The volunteers had been assured that all Cuba was ripe for revolution, that the navy was disaffected, that officers of the army had given written pledges to join the invaders, and that the creole population would rise and welcome them with open arms. None of these things came to pass, and toward dusk the filibusters, angry that the people had not hurried to their support, reembarked, steamed away with the Governor of Cardenas, the commander of the troops, and some officials as prisoners, and five miles out ran aground. Next morning the stores and ammunition were thrown overboard, the ship floated, and, the prisoners having been put on a fishing vessel, the *Creole* made for Key West. The night was spent at anchor forty miles from port; but, just as the *Creole* was getting under way in the morning, the *Pizarro* was sighted and gave chase. The *Creole* entered port first, and Lopez and his men landed. The collector seized the steamship, but the men were unmolested and Lopez went on to Savannah. There he was arrested, but was promptly dis-

charged and, after a warm reception by the people, left for Mobile.*

The United States District Attorney at New Orleans was thereupon ordered to secure his arrest if he came to that city. Well aware that no conviction could be obtained in New Orleans, Lopez at once surrendered to the District Attorney,† was released on bail given by the Recorder of the city, and was honored with a popular demonstration and serenade.‡ After an examination extending over several days the grand jury of the District Court returned true bills of indictment against Lopez and fifteen others, and, the trial having been fixed for November, writs for their arrest were issued. In the case of Governor Quitman some difficulty arose, for it was thought he would not submit to arrest. The District Attorney, therefore, asked him to state whether he would voluntarily appear in New Orleans and give bail according to law, or be forcibly removed from Mississippi. To go would, the Governor held, be degrading to the dignity, honor, and sovereignty of Mississippi. To be arrested might "bring about a collision of arms" with the general Government "prematurely." He would come after the end of his official term; but, meantime, would not voluntarily surrender himself.§ When the trial opened in November Quitman, therefore, was not present. Neither were five others; but the prosecution went on and General Henderson was the first put in the dock. Three times with great difficulty a jury was obtained, and each time it disagreed. Then the District Attorney gave up hope and moved that a *nolle prosequi* be entered as to all the defendants. Among them was Quitman, who had resigned his office, submitted to arrest, and been bound over for trial.

While the prosecution of Henderson dragged along in New Orleans, Lopez and his agents were busily engaged in preparing for another invasion of Cuba. Bonds were sold

* Pennsylvanian, May 27, June 1, 1850; Senate Documents, 31st Congress, 1st Session, Vol. 13, No. 57.

† National Intelligencer, June 13, 1850.

‡ Philadelphia Ledger, June 19, 1850.

§ Life and Correspondence of John A. Quitman, J. F. H. Claiborne, pp. 66, 67.

in large quantities at ten cents on the dollar, steamships were bought, arms and ammunition collected, and Jefferson Davis was offered the command.* Believing it would be improper for a United States Senator to hold such a place, he declined, and recommended Robert E. Lee, who, sorely tempted, consulted Davis,† and in turn declined, and Lopez was forced to take the lead. Volunteers were obtained without difficulty, and in April they began to gather in the seaports from New York to New Orleans. A hundred and more hurried from central Georgia toward Savannah, but were turned back before reaching that city. This movement gave the alarm, and Fillmore issued a warning proclamation in which he denounced the scheme as the work of foreigners who dared to make our shores the scene of hostile preparations against a friendly power, and as an ungrateful return for an asylum from oppression, and as a flagrant abuse of hospitality. Nevertheless, the work went on, and volunteers were soon gathering at Burnt Fort on the Saltilla,‡ at St. Mary's,§ and at Jacksonville,¶ where the enthusiasm was great. The women made flags, all the young men were eager to volunteer, and, that no legal hindrances might be put in the way of the expedition, the telegraph wires were cut and the judge and the District Attorney went into the wilderness.‖ The presence of a band of suspicious characters at Amboy in New Jersey led the collector of the port of New York to investigate, and fifty men were found awaiting the arrival of one hundred and fifty from Philadelphia, that all might be carried on a sloop to a steamer anchored off Sandy Hook.** The names of the

* Memoir of Jefferson Davis by His Wife, Vol. 1, p. 412.

† Address of Davis at the Lee Memorial meeting at Richmond, November 3, 1870. "He thought the matter over, and, I remember, came to Washington to consult me as to what he should do."—Memoirs of Robert E. Lee. A. L. Long, pp. 72, 73.

‡ Philadelphia Ledger, May 6, 1851; Tallahassee Sentinel, May 13, 1851.

§ National Intelligencer, May 13, 1851.

¶ Savannah Republican, May 6, 1851.

‖ Newark Advertiser, May 5, 1851; Philadelphia Ledger, May 7, 1851.

** National Intelligencer, April 28, 30, 1851.

leaders were obtained, six were arrested in New York, and the steamship *Cleopatra,* which was to pick up the bands gathered at the seaports from New York to Florida,* was seized by the Collector.† The party at Jacksonville, six hundred young men from Georgia and Florida, thereupon disbanded and went home; those at New Orleans did the same, and the expedition seemed to have been prevented.‡

Another, however, was at once set on foot, and by July it was openly stated that within two months bands of Cuban deliverers would start from three places and rendezvous without the United States.§ Hard upon this came a false report of a revolution in Porto Principe, and a letter from Havana to Lopez, published in the New Orleans *Delta,* stating that a regiment had rebelled, and urging him to come. Great excitement prevailed. At sundown a hundred guns were fired on the levee, mass meetings were held on several nights, Lopez and Houston spoke, and committees were appointed to write addresses to the citizens of Louisiana and to the people of the United States in behalf of the Cuban revolutionists, and to collect money to aid them in their struggle for liberty.¶ At Cincinnati the excitement was almost as great as at New Orleans, and several parties of young men hurried off to New Orleans to volunteer.‖ At New York two hundred Cubans, carrying a flag with three blue and three white stripes, and a red triangle with a white star in its center, paraded the streets, held a banquet, drank toasts, and heard speeches.** At Savannah many enlisted; in Georgia and Alabama numbers left for Jacksonville and New Orleans;†† and early on the morning of August third the steamship *Pampero,* with Lopez and the first detachment of filibusters, left New Orleans for Cuba. Off Moro Castle a captain and mate were taken out of a

* Savannah Republican, May 6, 1851.
† Philadelphia Ledger, April 29, 1851.
‡ Ibid., May 12, 17, 1851.
§ Ibid., July 7, 1851.
¶ Ibid., August 1, 6, 1851.
‖ Ibid., July 31, 1851.
** National Intelligencer, July 31, 1851.
†† Ibid., August 4, 1851.

schooner and forced to act as pilots.* They proved of little use, and on the night of the eleventh of August the *Pampero* ran aground and the filibusters were compelled to land at a place some sixteen miles from Havana. Leaving a considerable force under Colonel Crittenden to bring on the baggage, Lopez marched inland with the rest. But Crittenden, while on the way to join him, was attacked, beaten, and forced to fall back to the landing place, where fifty-one men took boats and put to sea. They hoped to fall in with some friendly vessel, but met the Spanish frigate *Esperanza*, were carried to Havana, tried by a military court, and executed in the public square.

The main body under Lopez was now attacked, defeated, and scattered. Lopez with a few took refuge in the mountains, where they, too, were soon dispersed and captured. One hundred and sixty-two were sent to Spain; but Lopez, betrayed by a man at whose hut he sought rest and refreshment, was taken to Havana and garroted. Crittenden and his companions, just before they were shot, were suffered to write to friends or relatives in the United States. These letters, by order of the Captain-General of Cuba, were put in the hands of the Secretary of the Spanish Consul in New Orleans, who by chance was in Havana, to be carried to the United States, and on the morning of the twenty-first of August the *Empire City* with the Secretary, the letters, and the news of the shooting reached New Orleans. The people went wild with rage, sacked the office of the Spanish newspaper *La Union,* wrecked a cigar shop kept by a Spaniard, went to the office of the Spanish Consul, tore down the sign, seized a Spanish flag and burned it in Lafayette Square, where a mass meeting had assembled. The meeting over, the Consular office was sacked and coffee houses and tobacco shops kept by Spaniards, ten in all, were looted. The Consul, fearing for his life, placed the persons and property of his countrymen under the care of the British and French consuls, and sought safety in the house of a friend far from the city.

* Narrative of Philip S. Van Vechten.—New York Herald, September 13, 1851.

In Spain the excitement over the mobbing of the Spanish Consulate in New Orleans was great. Some Madrid newspapers called loudly for the immediate dismissal of the American Minister. Others were for war. At the Café Suisse the crowd was with difficulty prevented from going to the residence of our minister and sacking it. Meantime the Spanish Minister at Washington had demanded an apology for the insult to the flag of Spain, and indemnity for the destruction of the property of her subjects. Webster replied that the President looked on the outrages as unjustifiable, disgraceful, and a flagrant breach of duty and propriety, and felt that a proper acknowledgment was due to Her Catholic Majesty's Government. But the outrage, it should be remembered, was perpetrated by a mob of irresponsible persons, and that neither any agent nor officer of the United States, high or low, nor of the State of Louisiana, high or low, nor of the city of New Orleans, took part in the affair.

Señor Calderon believed that indemnification ought to be made not only to Her Majesty's Consul, but to Spanish subjects whose property had been destroyed. Webster did not think so. The rights of the Consul residing in New Orleans under protection of the Government were quite different from those of Spanish subjects who had come into our country to mingle with our citizens and pursue their own private business. The Consul might claim indemnity; but the subjects were entitled to no other protection than was accorded to our own citizens. The President, therefore, thought that a just indemnity should be provided for the Consul, and would make such a recommendation to Congress; but this was all he could do. When, however, Señor Laborde, or any other Consul appointed by Her Catholic Majesty's Government, should return to New Orleans, he should be received with courtesy and the flag of his ship saluted, if he came in a Spanish vessel, as a demonstration of the sense entertained by the United States of the gross injustice done his predecessor by a barbarous mob, as well as the indignity and insult offered by it to a foreign state with whom the United States were, and ever wished to be,

on terms of most respectful and pacific intercourse.* This able letter, and the appropriation by Congress of indemnity for the Consul and Spaniards whose property had been destroyed, did much to calm the anger of Spain, and, in time, the prisoners taken in Cuba were released.

But the incident did not end with this. Great Britain and France seized it as an opportunity to meddle in American affairs, and the State Department was soon informed that both powers had ordered their ships of war in the West Indies to prevent by force any adventurers of any nation from landing with hostile intent on the shores of Cuba. The British Minister was thereupon notified that the President could not see, without concern, any attempt to enforce the order. Its execution would be the exercise of a sort of police over the seas in our immediate neighborhood, seas covered with our ships and citizens; would involve an exercise of jurisdiction to determine what were expeditions of the kind denounced and who were the guilty adventurers engaged in them, and would probably lead to collisions dangerous to peace and good will between the two countries. He could only hope, therefore, that there might never arise an occasion where it would seem necessary to carry them into execution.

France was assured that no expedition would ever escape from the United States that need cause alarm for the safety of Cuba; that the island would always find its surest defence in the justice and good faith of the United States; and that intervention on her part could not be viewed with indifference by the President. French cruisers sailing up and down our coast, performing the needless duty of guarding Cuba, and watching the people of the United States as if they were fruitful of piracies, would arouse some feeling of resentment. Experience seemed to prove that the rights, interests, and peace of the continent of Europe and America would be best preserved by the forbearance of each to meddle in the affairs of the other.

Palmerston bade the British Minister assure the Secre-

* Webster to Señor Don A. Calderon de la Barca, November 13, 1850, Senate Documents, 32d Congress, 1st Session, No. 1, pp. 62-65.

tary of State that in executing the orders every care would be taken not to interfere with the lawful commerce of any nation. France declared that her orders were exclusive and applied to the class, and not to the nationality, of any pirates or adventurers who attempted to land on the island of Cuba, and were intended to execute the provisions of her maritime code against pirates. She, too, believed that if Spain should ever part with Cuba possession of it should not fall to any of the great maritime powers of the world. But the nations of America and Europe were so dependent on one another, had such a community of interests commercial, political, and moral, that it was difficult to fix the geographical degree where American policy should end and that of Europe begin. Territories belonging to old world powers, whether in the seas or on the continent of America, were regarded by them as part of their system of general policy. France never admitted that her possessions in America might enjoy any other political rights than those universally recognized in Europe.*

Just at this time, when the excitement in the South over the fate of Lopez and the filibusters was at its height, Louis Kossuth, recently Governor of Hungary and leader in another revolutionary movement, was on his way to our country in a national ship of war.

Two days after Metternich fled from Vienna the Hungarian Diet demanded from the Austrian Emperor freedom of the press, trial by jury, a national system of education, and a responsible ministry. Most of these were granted, whereupon the Diet, led on by Kossuth, turned Hungary into a modern state with a ministry responsible to Parliament and a people equal before the law. Against this government the Servians and Croatians revolted; but Kossuth was placed in command and the uprising was speedily quelled. A revolution in Vienna now forced the Austrian Emperor to abdicate, Francis Joseph, the present ruler, was placed on the throne, and war in earnest began against Hungary. Kos-

* M. de Sartiges to Crittenden, Acting Secretary of State, October 27, 1851.—Senate Documents, 32d Congress, 1st Session, No. 1, pp. 79-82.

suth appealed to the American Minister to offer mediation. The offer was made and refused, the Austrians entered Pest in January, 1849; the Magyars flew to arms, and in April, flushed by a long series of victories over the invaders, Parliament deposed the Emperor, declared Hungary a sovereign, free and independent republic, and made Kossuth governor.

Hungary's gallant fight for independence had been watched by our countrymen with the deepest interest. At Philadelphia, on the fourth of July, a meeting of the people in Independence Square adopted resolutions expressing hearty sympathy for the Hungarians, Romans, and all other people in Europe struggling for liberty.* The Whig State convention at Harrisburg hailed with joy the successful struggle of the Hungarians for their long-lost liberties, deplored the unhappy fate of Rome, loathed and detested the treachery of her conqueror, and with its whole heart sent a shout of good cheer to all the down-trodden and oppressed of the old world battling against tyranny and tyrants.† At a sympathy meeting in New York, attended by many of the most prominent citizens, there were three gaily decorated stands. At one speeches were made in Hungarian, Slavonian, and German; at a second in French and Italian, and at the third in English.‡ The Newark gathering was presided over by Chief Justice Hornblower.§ Meantime the President, carried away by popular feeling, instructed Mr. A. Dudley Mann, an attaché of the legation in Paris, to repair to Hungary; find out if she was in condition to justify recognition of independence; see Kossuth, and, if it seemed expedient, invite the new republic to send a diplomatic agent to Washington. Unhappily, ere Mann could carry out his instructions, the Czar of Russia intervened and furnished the Emperor of Austria with troops, by whose aid Hungary was crushed. The vengeance of Francis Joseph was terrible. Thousands of Hungarians captured by

* Philadelphia North American, July 6, 1849.
† Ibid., August 20, 1849.
‡ Ibid., August 29, 1849.
§ Ibid., August 31, 1849.

the Russians were delivered over to the Austrians to be hung, shot, or imprisoned. Hundreds fled to England and the United States, and still others sought refuge in Turkey. Among these was Kossuth.

The hearts of our countrymen were deeply moved. Russian intervention was bitterly denounced, and when Congress met in December the indignation of the people found expression in petitions, State resolutions, and plans to aid the Hungarians. Cass proposed that the Committee on Foreign Relations inquire into the expediency of suspending diplomatic intercourse with Austria. Hale wanted Russia included in the inquiry.* Seward thought that the conduct of Austria and Russia had been marked with injustice, oppression, and barbarity which deserved the censure of mankind, and that a portion of the public domain should be given to the exiles from Hungary who had arrived or might do so hereafter. Douglas called for a copy of the instructions to Mann. A petition signed by the poet Byrant and a host of other citizens prayed that diplomatic relations with Austria be severed.† Foote, with the consent of Cass, so amended his resolution that it declared that the heroic struggles for freedom in Hungary were entitled to the warmest sympathy of the American people; that the Committee on Foreign Relations should inquire into the expediency of suspending diplomatic relations with Austria, and that grants of lands ought to be made on liberal terms to Hungarian refugees then in our country, or who might come, on condition of permanent settlement and naturalization. To these Soulé added a resolution that the President be authorized to intercede with Turkey for the liberation of Kossuth and his companions, and tender a national ship to bring them home.‡ The legislature of Indiana asked that the Government use its influence with Austria and Russia to effect an amelioration of the treatment of the Hungarian patriots and to secure a general pardon.§ Ohio asserted that it was the duty

* Senate Journal, 31st Congress, 1st Session, p. 67.
† Ibid., p. 465.
‡ Ibid., p. 132.
§ Ibid., pp. 260-261.

of Congress to send an embassy to the Sultan to solicit the liberation of Kossuth, his family, and companions and bring them in a national ship to the United States.* New York instructed her delegation in Congress to support any resolution granting land to the exiles.† Citizens of St. Louis petitioned that land be set apart for the refugees, and citizens of New York for a severance of diplomatic relations with Austria.‡ Lest something serious might come of these calls for action, the Secretary of State early in January bade our Minister at Constantinople intercede with the Ottoman Government in behalf of Kossuth and offer to bring him and his companions to America. The offer was declined, for the Sultan had agreed with Austria to keep the prisoners for one year, a term which would not expire till the autumn of 1850.§

While the Hungarian craze was thus spreading over the country the Austrian Chargé d'Affaires, Chevalier Hülsemann, had not been idle. In the autumn of 1849 he had sent to Vienna some New York newspapers containing allusions to the secret mission of Mann, and received from Prince Schwarzenberg a full statement of the confidential instructions to Mann, a copy of which, by some means unknown, had been placed in the hands of the Prince.¶ Armed with this, one day late in December, Hülsemann called on Clayton, demanded an explanation, and threatened to make the mission the subject of official communication. He was told that the purpose of the President was to recognize the independence of Hungary the moment it was established on a permanent basis, and sustained by a government able to perform the duties of a member of the family of nations, and that, if an official communication were sent, he would be required to state by what means his government obtained a copy of a confidential note addressed to an American

* House Miscellaneous Documents, 31st Congress, 1st Session, No. 39.

† Senate Miscellaneous Documents, 31st Congress, 1st Session, No. 35.

‡ Journal of the Senate, 31st Congress, 1st Session, pp. 56, 66, 94.

§ G. B. Marsh to Clayton, April 18, 1850.—Senate Documents, 31st Congress, 1st Session, Vol. 14.

¶ Prince Schwarzenberg to Hülsemann, November 5, 1849. The letters of Daniel Webster, C. H. Van Tyne, pp. 454-456.

agent.* No letter was written to Clayton; but some months later, when Fillmore was President and Webster Secretary of State, Hülsemann carried out his threat, sent an official protest,† and received the famous reply.‡ When Webster wrote that letter Congress was in session, and as news of it had spread among the members a call was made for the correspondence which was laid before the Senate, published in scores of newspapers early in the new year, read with delight, and contributed not a little to the passage of a resolution authorizing the President to secure, if possible, the liberation of Kossuth and his companions and have them brought to the United States in a national ship.

The President approved the resolution, the consent of the Sultan was obtained, and on September tenth at the Dardanelles the late Governor of Hungary with wife, children, suite, and quite unexpectedly a party of refugees, Hungarians, Italians, and Red Republicans, fifty-eight all told, boarded the *Mississippi*, which steamed away for New York. At Spezzia Kossuth obtained leave from the commander of the squadron to land at Gibraltar, visit England, and return to the vessel; but, when it became known that if he went he could not get back before the middle of November, the decision was reached that he should go to London and the *Mississippi* with his family, suite, and the

* Clayton to Webster, January 12, 1851. The Letters of Daniel Webster, C. H. Van Tyne, pp. 452-454. "You observe that Hülsemann complains of the Austrian Government's being called an 'iron rule'; this I treat as a mistake. In fact, it is no mistake at all. In the original instructions, the phrase does occur; but it was struck out when the Senate called for copies. This makes it certain that Schwarzenberg has seen, or got a knowledge of, the original instructions.

"Probably Mr. Mann showed them indiscreetly to somebody in Paris, or else somebody got at his portfolio. When Mr. Jay was Minister to France in 1783, he kept his instruction in a belt round his person under his linen. He said there was no other way to keep them from being inspected by some man or woman."—Webster to Fillmore, January 16, 1851. Fillmore MSS., Buffalo Historical Society.

† Webster to Hülsemann, September 30, 1850.

‡ Ibid., December 20, 1850. "I have given a good deal of labor to its preparation, but still am not satisfied with it. I hope you will alter and amend freely. It is an important occasion and furnishes an opportunity of exhibiting the temper and spirit in which the foreign relations are to be carried on *tempore* Fillmore."—Webster to Fillmore, November 18, 1850, Fillmore MSS., Buffalo Historical Society.

refugees to New York. After a short stay in London Kossuth followed his family across the Atlantic, and in December landed at Staten Island in the midst of an intensely excited people, was addressed by German, Spanish, and Italian citizens, was given a formal reception by the islanders, and made a speech.

On the following day the Mayor and Common Council of New York, with a host of distinguished citizens, came down to Staten Island on a steamboat and escorted Kossuth to the city. The journey was one continuous ovation. Every craft was gay with bunting; every steamer shrieked a welcome; salutes were fired at Bedloe's Island, at Governor's Island, and at the Navy Yard, where the *North Carolina* rode at anchor with every yard manned. As Kossuth came in sight of Castle Garden cheer on cheer of welcome rose from the hundred thousand people massed on the Battery and Bowling Green. When he entered the Garden the crowd that packed it to the doors went wild with excitement. Again and again the Mayor begged for quiet that he might deliver the address of welcome; but the shouting continued for fifteen minutes. Sheer exhaustion at last brought quiet; but, when the Mayor had finished and Kossuth rose to reply, the cheering broke forth anew. The people would not stop. Entreaties were of no avail, and, unable to make himself heard, his speech, reduced to writing, was given by his secretary to the reporters. He came not, he said, in search of rest, nor to gather personal triumphs, nor to be the object of popular shows. He came a humble petitioner for aid, and would respect the laws; but within the laws he would use every honest endeavor to gain the sympathy, the financial, moral, and political aid of the people. What could be opposed to the recognition of Hungarian independence? The frowns of Hülsemann? The anger of Francis Joseph? The dangers with which some European newspapers threatened the United States if he were received and treated in his official capacity? He hoped the sovereigns of the United States, the People, would demand that the independence of Hungary be formally recognized. The speech at Castle Garden, the salute from the

forts, the passage in the President's message in which Kossuth was called Governor, the debate in Congress on the resolution tendering him a reception, called out another protest from Hülsemann. He complained that a year after the rebellion in Hungary had been put down, and at the very moment when she was beginning to recover from her misfortunes, Kossuth was offered another chance to ruin his country. The Chargé was willing to believe that the President did not approve of Kossuth's crusade against all the sovereigns of Europe; he flattered himself that the military honors would not be continued; nevertheless, he attached great importance to these demonstrations, and asked to be informed whether they would be continued now that he had declared he looked on them as proof that Kossuth's projects against Austria were approved by the Government of the United States.*

From the Garden Kossuth was escorted to the Battery, where he reviewed the militia, and then in a carriage was drawn up Broadway past shops and houses gay with flags, banners, and inscriptions expressing welcome to him and sympathy for Hungary; past windows and stoops crowded with citizens, and between lines of struggling men and women whose roar of cheers sounded, says one who heard them, "like waves on the shore" of the ocean. That night there was a visit from a committee of Philadelphians who came to invite him to their city, a torch light procession in which were carried banners with inscriptions expressing a hope that the United States would intervene in the political affairs of Europe, and that her future would atone for her past.

To the Philadelphians Kossuth replied that he could not then say when he would go, nor, indeed, if he would go at all, for he was deeply disappointed by the action of Congress. Had its proceedings occurred before he left Europe he would have hesitated to come. He must, therefore, wait a day or two before deciding what course to pursue.

His complaint referred to a debate then going on in the

* Hülsemann to Webster, December 13, 1850. The Letters of Daniel Webster, C. H. Van Tyne, pp. 493-494.

Senate. Fillmore in his annual message had asked Congress "to consider in what manner Governor Kossuth and his companions brought hither by its authority" should be received and treated. Foote promptly introduced a resolution of welcome, and when he withdrew it Seward offered another of the same kind, and this was under discussion, both in the Senate and in the press, when Kossuth arrived. One journal in Baltimore hoped the great Magyar would be honored for his talents and his services, and would rejoice to see him welcomed; but objected to any official reception, any demonstration by either the President, the Cabinet, or by Congress, and hoped the resolution would be withdrawn.* We will give him an enthusiastic reception, said a New York journal, a generous entertainment, a permanent home, or, if he leaves us to sound the resurrection trump of Hungarian freedom, we will give our good wishes and our prayers. But we will not give up to him our peace, prosperity, and successful progress. We will not leave our own to stand on foreign ground.† By this time his speeches had been read in Washington, and some objection was made to his reception by Congress unless he was given distinctly to understand that the United States would not depart from its long-settled policy of non-intervention.

Meantime delegations of all sorts came with addresses of welcome and invitations to banquets. Committees of citizens from New Haven, Hartford, Jersey City, Newark, Trenton, Baltimore, and from the Democratic young men of New York; the Governors of the Alms House, the Board of Education, a deputation from the Brotherhood of the Union, a tradesmen's society, and Fillmore's son paid their respects. The New York Bar invited him to a banquet; so did the New York editors. Addresses were made by a delegation from the anti-slavery society, by the European Democrats as they styled themselves, a body of French, Germans, Austrians, and Italians; by the Cuban exiles, by the students of Yale, by the faculty and alumni of Columbia, by the negroes, by the Presbytery of Brooklyn, and by a

* Baltimore Clipper.

† Journal of Commerce, December 6, 1851.

deputation of citizens of that city, to whose invitation he replied, "If you had offered me something else than hospitality, something that would benefit my country, I would say, yes. But I have no time to accept hospitalities. I came not to enjoy them, but to benefit the cause of my country."

At the dinner given in his honor by the Corporation of New York City Kossuth spoke for three hours, stated his wishes fully, protested against non-intervention in the affairs of European nations, and ended by making four requests: that the independence of Hungary be recognized; that the intervention of Russia be declared a violation of the law of nations, that an alliance be formed with Great Britain to prevent such intervention in the future, and that money in the form of a loan or gifts be furnished to aid the revolution of 1852. This appeal for money met a ready response. At the reception given him by the First Division of the New York State Militia a committee was appointed to solicit subscriptions. His speech at Plymouth Church, to hear which cost five dollars, brought him twelve thousand dollars; and a benefit performance at Niblo's Garden and a women's reception at Tripler Hall a few thousands more. The Whig General Committee presented him with a thousand dollars, the workmen at the Hoe Press Factory raised four hundred dollars, those at another factory two hundred and fifty, the poor needlewomen sent their mite, and a hardware dealer promised to give to the Hungarian fund five per cent. of his sales for a week, and an enterprising hatter designed and put on the market a Kossuth hat.

From New York Kossuth went to Philadelphia and spoke in Independence Hall, and to a crowd in the State House Yard, but said not a word about intervention. At Baltimore there was a national salute, a parade of troops and associations, and a public reception at which Kossuth asked for the approval of some resolutions recently adopted at Harrisburg. They were that Russia's intervention in the affairs of Hungary was an infraction of the laws of nations, that if repeated it would not be regarded with indifference by the people of the United States, and that the

people ought to declare their opinions in respect to Hungarian independence and urge the government to act accordingly.*

From Baltimore Kossuth went to Washington, where he was received by the President, the Senate, and the House, was honored by a Congressional dinner, and met Clay. "May I take it as an augury of better times," said he to the President, "that I am in a free and powerful country whose Chief Magistrate proclaims to the world that his country cannot remain indifferent when the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country?" "The American people," Fillmore replied, "can never be indifferent to such a contest, but our policy as a nation in this respect has been uniform from the beginning of our government, and my own views as the Chief Magistrate are fully and freely expressed in my recent message to Congress." The meeting with Clay was in his sick room. He had tendered his resignation to take effect in September, and it was as a dying man that Kossuth beheld him. "As a dying man," said he, "I oppose your doctrine of intervention. Sir, the recent submission of republican government in France, and that enlightened nation voluntarily placing its neck under the yoke of despotism, teaches us to despair of any present success for liberal institutions in Europe." Far better was it for us, for Hungary, and for the cause of liberty to hold to our pacific system, and, avoiding the distant wars of Europe, "keep our lamp burning brightly on this Western shore, as a light to all nations, than to hazard its utter extinction amid the ruins of fallen and falling republics in Europe."

At the Congressional dinner Webster, at the close of his speech, gave as a toast "Hungarian independence, Hungarian control of her own destinies, and Hungary as a distinct nationality among the nations of Europe." When Hülsemann read the speech and toast of the Secretary of State his anger knew no bounds, and, o'erstepping diplomatic

* National Intelligencer, December 30, 1851.

usage, he wrote to the President, complained of Webster's speech, charged him with hostility to Austria, and asked to be informed whether the President did or did not approve the conduct of the Secretary. If approved, then were the diplomatic functions of the Austrian Chargé to be considered as suspended.* An interview with Fillmore followed, and later in April Hülsemann officially withdrew and left our country.

The Harrisburg reception outdid in noise, excitement, and disorder that at Castle Garden. While at Pittsburg, in response to an invitation to visit Cleveland, he complained bitterly of the small amount of money raised for Hungary. Thus appealed to, his admirers made haste to purchase what were called Hungarian Loan Certificates,† or promises to pay the bearer, on demand, one, five, ten, twenty-five, or fifty dollars, as might be, one year after the actual establishment of the independent Hungarian Government. Pittsburg donated some six thousand dollars, part of which was contributed by the workmen in the factories, each of whom gave a week's wages. Ere Cleveland was reached seventeen hundred dollars was collected. While there a committee from Cincinnati invited him to visit their city. To them he said, "I decline in the most solemn way every procession, illumination, banquet, and costly entertainment. Allow me to provide for my own lodgings and board. Whatever you have resolved to bestow on these objects, let it be given to the Hungarian fund." At Columbus he addressed the "State Association of the Friends of Hungary," and received five dollars from each member of the legislature. At Hamilton he was offered five hundred muskets belonging to the county. The Cincinnati committee had

* "Mr. Webster a déclaré hier publiquement en presence du Président du Senat, du Speaker du House of Representatives, et de l'auteur des calamités de la Hongroie, qu 'il ferait des vœux ardents pour l'émancipation la plus prompte et la plus absolue de ce Royaume.'' * * * "L'hostilité de Mr. Webster à l'egard de mon Gouvernement ne date pas d'hier.''—Hülsemann to Fillmore, January 8, 1852; Van Tyne's Letters of Daniel Webster, pp. 496-497.

† These Loan Certificates were advertised for sale in the Cleveland Plain Dealer, February 11, 1852, and the text of one was published in the National Intelligencer, May 7, 1852.

undertaken to raise twenty-five thousand dollars; but, after fifteen days of effort, were able to give him but seven thousand. The people could not reconcile his retinue of twenty-two followers, family, friends, secretaries, servants, guards, and liveried attendants to keep the crowd at a distance, with their ideas of what should be the simple life of an exiled republican. The Aldermen of Louisville four times rejected the invitation to Kossuth passed by the other branch of the city government. Nevertheless he went, but caused no public interest. No crowd gathered about the hotel, no societies, associations, clergymen, or press agents called on him, and, save at the court house, no speech was made. Concerts, subscriptions, and admissions to hear his address to the Germans, whom he urged to use the ballot to force the government to action in behalf of Hungary, yielded some fifteen hundred dollars. The journey to St. Louis was made by steamboat, and at that city seven hundred dollars, the proceeds of the sale of Hungarian bonds, was given him. At Jackson, Mississippi, the legislature received him with little enthusiasm, and the people contributed nothing. Nor did he fare any better at New Orleans. The public pulse, said a journal of that city, has not been in the least disturbed. There have been no useless parades, no sickening attempt to obtain notoriety by hanging on the skirts of Kossuth.* From New Orleans he hurried by way of Montgomery and Augusta to Charleston, where he took a steamboat to Wilmington and went thence to Washington.

No public receptions, no welcome, no demonstration met him along the way. Indeed, the legislatures of Alabama and Georgia had declared against it. The speeches and acts of public men and the conduct of the people, said the Alabama resolutions, lead to the belief that a spirit of interference in the political affairs of Europe prevails to so great an extent that for want of calm reflection we may be involved in the political troubles of nations far removed from us. Our true policy was to be in peace friends, in war enemies, and have entangling alliances with none.† The policy of

* New Orleans Bulletin.

† Senate, Miscellaneous Documents, 32d Congress, 1st Session, No. 18.

the United States, said Georgia, is friendly relations with all nations, entangling alliances with none. Our mission is not to propagate our opinions, not to impose our form of government on other nations by force, but by example. We sympathize with the oppressed. We tender them a home. But never will we join with the ambitious in a crusade against other nations, whatever their domestic policy. Why, by interweaving our destiny with any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalries, interests, humor, or caprice? * Northern legislatures, on the other hand, endorsed his views. Maine invited him to visit Augusta, tendered him assurances of sympathy, and asked Congress to exert its influence in some wise manner to prevent any further intervention by Russia.† Vermont bade him welcome to "Our Green Mountain State," as "a patriot and statesman worthy of a home in the land of the free." ‡ Rhode Island invited him to visit Providence as the guest of the State, and appointed a joint committee to welcome "the undaunted champion of national freedom." New Jersey extended the hospitality of the State, sympathized with him and his countrymen, lamented that their glorious struggle was made unsuccessful by the intervention of Russia; asserted the right of every people to alter, modify, or abolish its form of government; declared intervention by any other nation to destroy this right was a violation of the law of nations, and asked that our representatives abroad announce this fact to the governments of the old world.§ Delaware asked that Congress assert the right of a nation to manage its own internal affairs as it pleased. She had not seen, and thought the Federal Government ought not again to behold, without deep concern, the violation of this principle of national independence by Russia.¶ Massachusetts regarded the Hungarian revolution as a proper political movement and

* Senate, Miscellaneous Documents, 32d Congress, 1st Session, No. 48.
† Ibid., Document No. 25.
‡ Laws of Vermont, 1851, Resolution No. 79, November 19, 1851.
§ Senate Miscellaneous Documents, 32d Congress, 1st Session, No. 26.
¶ House, Miscellaneous Documents, 32d Congress, 1st Session, No. 34.

Russian intervention as a violation of the law of nations. Kossuth, for the part he bore in the struggle, was entitled to the respect of all lovers of freedom. The Czar, by giving up to judicial butchery the Hungarian patriots who surrendered to his armies, was guilty of an infamous act which sank him below the Emperor of Austria, by whom they were put to death.*

Kossuth's return to Washington called forth no public demonstration, nor did he meet with any on his journey northward till Burlington was reached. At Trenton the enthusiasm which ran high in December had so gone down that the reception was cool. At Newark he was in a city with a large German population, and was met by a great crowd at the railroad station, honored by a parade in which the militia, the Mayor, the clergy, the firemen, and the city associations took part, and was given a small sum of money. No stop was made in New York, for he was hurried on to New Haven, where, as at Springfield and Worcester, the enthusiasm was great. Boston with its large foreign-born population gave him a hearty reception, bought twenty-seven thousand dollars' worth of bonds, and entertained him with visits to Concord, Lexington, and Plymouth. Those who heard him speak in Faneuil Hall paid two dollars or one Hungarian bond for admission. At Boston Kossuth turned westward, visited Albany, Niagara, and Buffalo, where twenty thousand people heard him speak. There the western trip ended, and passing through Utica, Syracuse, Rome, Albany, and Troy, gathering small sums of money at each, he returned to New York, took up his abode in a private boarding house, and began to meddle in politics. In a speech delivered at a meeting of Germans he called on them in the name of humanity, in the name of eternal rights, the future and their own interests to do all in their power to move the United States to abandon its policy of non-intervention. They had the power to do it, and, having the power, had the right, and were in duty bound to do it. Isolation was weakness. In community was strength. At the end of the

* House Document, No. 61.

address a resolution was adopted that the Germans would support that party which upheld the doctrine of intervention.*

He next wrote a secret circular and sent it to German clubs and societies over all the country. German citizens of America, said he, will have the casting vote at the next election of President, and can decide the foreign policy of the new administration, and with it the triumph or fall of liberty in Europe. The place of America as a world power, the liberty of Europe, of Germany, Italy, Hungary, depends on them. He suggested, therefore, that meetings of Germans be called in the chief cities and in all towns where they dwelt, to decide which party they should support in the coming Presidential election, and that at such gatherings committees of well-known men be appointed to propose resolutions stating that the German citizens approved Kossuth's New York speech, demanded the repeal of the neutrality act of 1818, and asked him not to leave the country till he told them which party to support.

It was then late in June. In July it was announced that on the third Saturday of the month he would sail on the *Washington* for England. This was a ruse, for on the preceding Wednesday at the last hour, in the most private manner, without the knowledge of the Cunard Company, he boarded the *Africa* with Mrs. Kossuth and took possession of the staterooms of Alexander Smith, a name he had assumed. His flight, for such it was considered, was ascribed to legal difficulties with the sharpers who had attempted to fleece him in the contracts for the purchase of saddles and muskets.† He came to us, said a hostile newspaper, with all the pomp of a Roman general; he left us secretly, in disguise, without a single huzza to bid him God's speed.‡ He carried away as the fruit of his tour ninety thousand dollars.§

* New York Herald, June 24, 1852.

† Ibid., July 17, 1852.

‡ Ibid., July 22, 1852.

§ For the action of the New York Aldermen concerning payment of a bill of some $14,000 for the entertainment of Kossuth and his suite, see the New York Herald, December 23, 1852.

Our country was then deep in a dispute with Great Britain over the meaning of the fisheries convention of 1818, and over the Clayton-Bulwer treaty of 1850. That regarding our fishing rights was of long standing, and came from the clause in the convention which forbade our countrymen to take fish within three marine miles of any of the coasts, bays, creeks, or harbors of Her Majesty's North American colonies. They might enter such bays or harbors to repair damages, seek shelter, or procure wood or water; but for no other purposes whatever. There were those among the New England fishermen, however, on whom the restrictions bore lightly, and ere the convention was four years old twenty-five vessels had been seized for fishing in forbidden waters. All were released, for the purpose of the court was to warn rather than to punish. Matters, therefore, went on just as before, and in 1823 another vessel was seized, and nine more the next year. Some were caught in the Bay of Fundy more than three marine miles from shore, for our fishermen supposed that the line of restriction followed the winds and bends of the coast, and should everywhere be parallel to the shore. But the rulers of the provinces took a very different view. The language of the convention was "within three marine miles of any of the coasts, bays, creeks, harbors," which meant that Americans could not fish within three miles of any bay or harbor. Therefore each forbidden bay or harbor should be marked off, and to mark it off the three miles should be measured from headlands at its entrance and a line drawn across, although, as in the case of the Bay of Fundy, this interpretation of the treaty closed a sheet of water more than fifty miles from shore to shore. Indeed, they went further and held that even along the coasts the three miles should be measured out from the chief headlands and the line be drawn through these points, though it was in places many times three miles from the beach, and were sustained by an opinion of the Crown lawyers. Great Britain, as a matter of courtesy, then opened the Bay of Fundy to American fishermen, and in 1851 offered to open the waters of the British North American colonies, with permission to land on the unoccupied

coasts to dry fish and mend nets, if, in return, fish, fresh or cured, might be imported into the United States in vessels of any nation free of duty. The offer was not accepted, and the provinces made ready to enforce their interpretation of the treaty. An armed ship was sent by Canada to cruise in the Gulf of St. Lawrence; another was provided by Prince Edward Island; two more by New Brunswick; and four by Nova Scotia, and in July, 1852, Webster was informed that Her Majesty's ministers had decided to send a fleet of small vessels to enforce the provisions of the convention of 1818.*

The first intimation of this purpose came to the people through a paragraph in the Boston *Courier*. A special messenger, it stated, bearing dispatches from Webster, then at Franklin, New Hampshire, had passed through Boston on his way to Washington, and had left at the office of the *Courier* a paper which would be published the next day. There was trouble over the fisheries, trouble of a sort likely to disturb the peaceful relations between England and the United States.† The paper was a letter from Webster to the *Courier,* explaining the two interpretations placed on the convention of 1818, in order that those concerned might see how the matter stood and be on their guard.‡

Fuller information was obtained when the steamer from St. John's brought some Nova Scotia and New Brunswick newspapers. One gave a list of thirteen British vessels that were to cruise in British-American waters during the summer. Another announced that a swarm of cruisers were about to light down on the lawless fishermen from the land of notions. As the news spread through the fishing towns of Maine and Massachusetts alarm and excitement prevailed, for Massachusetts sent out over eight hundred vessels employing over nine thousand men and boys. The value of the smacks and outfit was three and a half millions of dol-

* Crompton to Webster, July 5, 1852. Executive Documents, 100, 32d Congress, 1st Session, Vol. 10.

† The Republic, July 20, 1852.

‡ Boston Courier, July 19, 1852. National Intelligencer, July 21, 1852.

lars, and that of the annual catch nearly two milions and a half. From the rest of New England went some six thousand men and boys in five hundred vessels, which brought back each year a catch worth sixteen hundred thousand dollars. The mackerel men in 1851 caught, in waters from which Lord Derby proposed to exclude them, one hundred and forty thousand barrels of fish. Gloucester, when the news came that her fishermen were to be driven from the Gulf of St. Lawrence, had sixty vessels on the fishing grounds. On their right to fish, it was said, hung the welfare, in great measure, of the town.* At Boston a memorial to the President was circulated for signature. Twenty-one hundred vessels, thirty thousand seamen, and twelve millions of capital, it stated, were involved in the dispute. Enforcement of the British view of the treaty would ruin thousands of families. To prevent this he was asked to send a naval force to British waters.† Webster, when he addressed his friends and fellow farmers at Marshfield, told them that the fishermen of New England, to use a Marblehead phrase, should be protected "hook and line and bob and sinker." ‡ A Halifax newspaper urged the people to support the government in its vigorous measures for the protection of the fisheries. Let the dwellers in every town, it said, and every fishing village sign memorials thanking Her Majesty for these measures of protection. Let us tell Her Majesty that, because the Americans have been suffered to plunder us for years past is no reason why they should be allowed to plunder us for years to come.§ Let us have war with England, said a New York journal. The time is propitious and the fisheries question is a good cause. The Derby Ministry, as a move for home popularity, have suddenly discovered that Yankee fishermen are poaching on the cod and mackerel of Her Majesty's colonies, and that the intruders must be driven out. Emigrants from Ireland, Germany, Italy have infused into our countrymen the

* The Republic, July 29, 1852.
† New York Herald, July 24, 1852.
‡ Speech at Marshfield, July 24, The Union, July 28, 1852.
§ Halifax, British North American, July 30, 1852.

doctrines of armed co-operation with the people of Europe in their struggles with despotism. It may be the policy of the Derby Ministry to attempt to curb this dangerous spirit of Young America. Let war come, and when it is over the British North American provinces, Cuba, and the fisheries will be ours.* All the St. John's newspapers agreed that to save the fisheries the United States would give the provinces reciprocal trade.

In the Senate the news created as much excitement as in New England. A resolution calling for the correspondence on the fisheries since 1818, and requesting the President to state if any naval force had been ordered to the fishing grounds, was the occasion for some bitter speeches; but the fact that the fleet was not driven from the fisheries, the well-founded rumor that Webster and the British minister were conferring, quieted the excitement.

So stood the matter when Great Britain took a step which was at once declared to be a defiance to the Monroe Doctrine and a deliberate and wilful violation of the Clayton-Bulwer treaty. She erected the Bay Islands, off the north coast of Honduras, into a colony, put them under the Superintendent of the Balize, and in August they were formally taken possession of in the name of the Queen. Hard on the news of this act came the invitation to join in a tripartite convention guaranteeing Cuba to Spain.

Never for a moment since the death of Lopez had his friends and sympathizers suffered the cause of Cuba to sink from public notice. Defeated, but not disheartened, they founded a secret society, called it The Order of the Lone Star, established chapters over all the Union, gathered a membership, it was believed, of twenty thousand, and through the press sought to mold public opinion. Sometimes these publications took the form of attacks on the Captain General of Cuba, attacks which so enraged him that in a moment of anger he poured out his wrath on a man guilty of no offense whatever. Certain steamers of the United States Steamship Company, the Law Line as it was called,

* New York Herald, July 28, 1852.

on their way from New York to New Orleans and back made stops at Havana. One of these, the *Crescent City,* had for purser William Smith and was commanded by Lieutenant David D. Porter of the Navy, who, on entering the harbor of Havana on the third of September, was informed that Purser Smith could not be allowed to come ashore. No reason was given, but on reaching New Orleans Porter read, in a copy of the *Diario de la Marina,* that Smith was accused of having published in a New York newspaper an article abusing the government of Cuba. On the return trip the purser was again forbidden to land, and on the next voyage to New Orleans neither the purser, the mails, the passengers, nor the cargo was suffered to leave the ship, and the *Crescent City* was ordered out of port. When on his way back from New Orleans Porter attempted to make the usual stop at Havana, the vessel was surrounded with guard boats, all communication with the shore was cut off, and every effort to file a protest defeated.

Smith now went before a notary and made affidavit that he had never published any calumnies against the Cuban government, never held communication with disaffected persons in Havana, never been the bearer of letters or messages to or from persons in Havana;* the Navy Department recalled Porter, and when the *Crescent City* sailed again she was in charge of Passed Midshipman Davenport. Arrived at Havana, he found in port the United States steamship *Powhattan* with Judge Conklin, the newly appointed Minister to Mexico, on board. The judge had been ordered to stop at Havana and appease the Captain General, and had succeeded so well that the *Crescent City* was permitted to land her passengers and the mails; but Davenport was told if he again entered port no communication with the shore would be allowed. He did enter the port on his way home from New Orleans, and was not excluded, because of the good offices of Judge Conklin, and reached New York to find the steamship company engaged in a dispute with the Government more serious than that with the Captain Gen-

* The Union, November 20, 1852.

eral. Because of a letter he wrote to the Havana agent of the line, stating that Smith would return and that the Spanish authorities would be held responsible for the consequences, Davenport's leave of absence was cut short and he was ordered to duty on a naval vessel.* Because of Law's determination to send his ship to Havana with Smith on board, the Postmaster General forbade the mail to be sent by the Law Line,† and late in November the *Cherokee,* which replaced the *Crescent City,* sailed from New York with Smith on board but without passengers, freight, or the mails. News of her fate was awaited with no little eagerness, for it was generally believed that she would be seized or perchance be fired on by the Cuban authorities. Nothing of the sort happened, for the Secretary of State had sent a copy of Smith's affidavit to the Spanish Minister, who forwarded it, post haste, to the Captain General, who declared it quite sufficient, and when the *Cherokee* reached Havana Smith was not prevented from going ashore.

The account of our foreign relations which Fillmore laid before Congress in December was, therefore, far from pleasing to the people. He told of the fisheries dispute, not yet adjusted; of the *Crescent City* affair, and the remonstrance to Spain not yet answered; of the rejection by Mexico of a convention for the protection of a right of way across the Isthmus of Tehuantepec; of the failure to settle the controversy over San Juan and the Nicaragua boundary; of the tripartite convention, of his declination of the invitation because he believed its acceptance would be of doubtful constitutionality, impolitic, and useless, and of his assurance to the ministers of Great Britain and France that we had no designs on Cuba, and would look upon its annexation as fraught with serious peril. Were the island sparsely peopled, were it occupied by a kindred race, were it ceded by Spain of her own accord, he should think it a desirable acquisition. But he had no wish to bring into the Union a

* Davenport wrote after his signature the letters, U. S. N. As he was on leave of absence, the Department said he had no right to use them, and on this technicality he was ordered to report for duty.

† Letters of Fillmore to the Postmaster General.

people differing from ours in stock, and in language, not likely to be easily absorbed, and quite likely to be harmful to the industrial interests of the South.

The Senate, after listening to the message, called for copies of the notes proposing the tripartite agreement and the answer of the Secretary of State; bade the Committee on Foreign Relations inquire if Great Britain had violated the Clatyon-Bulwer treaty by setting up any colonial government in Central America; and whether her establishment of the Bay Island colony was, or was not, a violation of the treaty and an infringement of the Monroe Doctrine,* and received from Cass two resolutions on colonization and intervention. The first repeated the words of Monroe's famous declaration and announced that, with our consent, no European colony should in future be planted in any part of the North American continent. The second set forth that, while the United States disclaimed all designs on Cuba, it should view the effort of any power to gain possession as an unfriendly act, to be resisted with all the means in its power.

By the Democratic press these were heartily approved. A more fit, a more happy occasion for reasserting the Monroe Doctrine, it was said, could not have been chosen. The crisis demands a declaration against European colonization. Without a shadow of authority, in flat violation of treaty stipulations, the rapacious British Government has seized a group of islands belonging to Central America and organized a British colony.† The country needs to return to the forceful foreign policy of old-time statesmen. It is a singular fact that all surrenders to foreign pretensions have been made under Federal and Whig administrations, and all resistance and acquisition of territory under Democratic administrations. It was under the Democratic rule of Jefferson, Madison, and Monroe that Louisiana and Florida were bought, the war for Free Trade and Sailors' Rights fought with Great Britain, and the designs of the Holy Allies frustrated by the announcement of the Monroe Doc-

* Senate Miscellaneous Documents, 32d Congress, 2d Session, No. 18. Joint Resolution No. 69.

† Mississippi, The Union, February 8, 1853.

trine. It was under the masterful rule of Jackson that resistance was made to the perfidy of Louis Philippe, and we hope and pray that the abrogation of the Clayton-Bulwer treaty, the expulsion of the British from Central America, the annexation of British North America, and the incorporation of Central American States with the Union will be brought about by that old-fashioned Democrat, Franklin Pierce.*

The reply of Fillmore to the call for information regarding the Bay Islands colony consisted of a report of the Secretary of State that he had no information whatever regarding the colony, and copies of the correspondence between Clayton and Bulwer when framing the treaty. The report disappointed the Senate. The letters amazed it, for among them were the two declarations made at the exchange of ratifications, declarations whose existence had hitherto been unknown to the Senators.

The papers were sent to the Committee on Foreign Relations, which reported that the Bay Islands were part of the republic of Honduras, were included in Central America, came within the meaning of the treaty, and had been made a British colony in violation of the treaty, and that the settlement at Balize had no political standing whatever. Therefore, the committee offered a resolution that the declarations of Clayton and Bulwer meant that nothing contained in the treaty was to affect the existing rights of Great Britain. Hence, no measures need be taken by the Senate.† Neither the resolution of Cass nor that of the committee had been adopted when the fourth of March came and the session ended.

On that day, in the presence of the greatest gathering of strangers Washington had ever known, Pierce took the oath of office and delivered his inaugural.

* Philadelphia Public Ledger, January 12, 1853.

† Senate Reports, 32d Congress, 2d Session, No. 407, p. 17.

CHAPTER LXXXIX.

THE PASSING OF THE WHIGS.

THE campaign which ended with the election of Pierce had been tame and spiritless. Late in December, 1851, the Democratic National Committee met in Washington and selected Baltimore as the place, and the first Tuesday in June, 1852, as the time for the meeting of their National Nominating Convention.* That the candidate there chosen would be elected seemed so certain that for months before the meeting it was clear that the rivalry of leaders would be sharp; that a bitter contest might be expected, and that two Eastern and two Western men would have to be seriously considered. These four were William L. Marcy and James Buchanan, Lewis Cass and Stephen A. Douglas. The favorites were Cass and Buchanan; but, by the eve of the convention, they had so lost caste that the betting was two to one against them, and political prophets declared that the contest lay between Marcy and Douglas, whose friends, numerous and enthusiastic, demanded that the old fogies be put down and that Young America, as they called him, be nominated.

Meanwhile a friend was quietly preparing to secure the prize for Franklin Pierce. Early in January the Democratic State Convention of New Hampshire had named him as the first choice of the Democracy of that State, and Pierce had promptly written declining to be a candidate. But it so happened that some weeks later Edmund Burke, several times a member of Congress from New Hampshire and re-

* National Intelligencer, January 5, 1852.

cently Commissioner of Patents, went to Washington on private business. As he mingled with the politicians and learned their sentiments he concluded that the favorites would be beaten and a compromise candidate chosen. The most prominent, he wrote * Pierce, were Cass, Douglas, and Buchanan. But Buchanan had no following out of Pennsylvania; the struggle between Cass and Douglas would probably destroy them both, and the convention would turn to someone not directly a candidate for the nomination. If Pierce would consent that at the proper moment his name should be presented, his chance of a nomination was as good as that of any man likely to be considered.

Pierce answered that when he declined to be a candidate he wrote as he felt; but, as the aspect of things seemed to have changed, if Burke and other discreet friends thought the success of the cause could be served by the use of his name, they might do as they thought best.†

The convention assembled in the hall of the Maryland Institute. By the close of the second day organization was effected, the decision to nominate candidates before the platform was read, which was a victory for Douglas, was reached, and the two-thirds rule, a defeat for Cass and Buchanan, was adopted.

Voting began on the third day and was continued on the fourth till thirty-three ballots were taken. The convention was then split into four bitter factions, supporting Cass, Buchanan, Douglas, and Marcy, and the night was spent in search for a compromise candidate. Dallas, Cobb, Hunter, and Pierce were discussed; but no agreement was reached when the delegates assembled on the morning of the fifth day to take the thirty-fourth ballot. Burke, however, had not been idle, and on the morning of the fifth of June wrote Pierce, "The thing is about ripe. We have intimations from Pennsylvania and Virginia that they will soon lead off for you. The South will come in, so will Maine, Con-

* Burke to Pierce, April 9, 1852.—American Historical Review, Vol. 10, pp. 110-111.

† Ibid., p. 112.

necticut, and, I think, all New England. Michigan will, also. The prospects are more encouraging than ever." * When Virginia was called her delegates asked leave to retire, and on their return voted for Daniel A. Dickinson, of New York, who instantly jumped upon a settee and declined to be a candidate. He had come, he said, as a supporter of Cass, and would not turn his back on an old and valued friend. Nothing that could be offered him, not even the Presidency of the United States, could repay him for such a desertion of his trust. On the next ballot, therefore, Virginia voted for Franklin Pierce, whose name for the first time was presented to the convention. On the forty-ninth ballot North Carolina, Georgia, and Mississippi voted for him amidst cheers, yells, and screams of delight. New York now retired for consultation; several delegations held excited conferences; Alabama, Vermont, New Jersey, Missouri, Arkansas, and Indiana in their turn were swept away in the stampede, and when the New York delegation returned and voted for him Pennsylvania, Illinois, Louisiana, Delaware, Michigan, Florida, Texas, Iowa, and Wisconsin followed. Of the 288 votes cast Pierce received 282. That afternoon William R. King was nominated for Vice-President, and the platform was adopted. Nine of the twenty planks had done duty in the platform of 1848. Most of the others were of small importance, and some dealt with dead issues. One denied the power of Congress to charter a national bank; another declared the separation of the money of the government from banking institutions was necessary for the safety of the funds and the rights of the people. Another affirmed the Virginia and Kentucky resolutions of 1798 and 1799; another justified the war with Mexico; another promised resistance to every attempt to abridge the privilege of naturalization. Two were important. The first of these pledged the party to abide by, and adhere to a faithful execution of the acts known as the compromise measures of the last Congress, the Fugitive Slave law included. The other promised resistance to all

* Burke to Pierce, June 5, 1852.—American Historical Review, Vol. 10, p. 113.

attempts to renew, in Congress or out of Congress, the agitation of the slavery question in whatever form made.

June sixteenth the Whig National Nominating Convention assembled at Baltimore in the room so recently occupied by the Democrats. During the night before the meeting the Southern Whigs, in caucus assembled, accepted a platform framed by the Georgia delegates and later approved by Webster and his friends. The Government of the United States, it declared, was one of limited powers and confined to the exercise of those expressly given or absolutely necessary to carry them out. State governments should be made secure in their reserved rights. Nations struggling for liberty would always enlist the warmest sympathy of Whigs, but the party would hold fast to the advice of the Father of his Country to keep clear of all entangling alliances with foreign nations, and never quit our own to stand on foreign ground. Our mission as a Republic was not to propagate our opinions, not to force on others our form of government, but to teach by example, to show by success, the blessings of self-government and the advantages of free institutions. Government should be economically conducted, revenue should be derived from duties on imports, and in laying such duties encouragement should be given to American industries. The compromise measures of the thirty-second Congress, the Fugitive Slave law included, were approved as a settlement, a final settlement, in principle and substance, of the dangerous and exciting questions they embraced; they were to be strictly enforced till time and experience showed the need of further legislation; all agitation was deprecated, and all attempts to renew agitation, whenever, wherever, however attempted, were to be discountenanced.

The platform having been drafted, and submitted to the Webster delegates, and their support secured, it was sent to the Committee on Resolutions to be reported to the convention.* Indeed, the Georgia delegates openly announced that, unless the platform with the finality of the compromise

* New York Herald, June 17, 1852.

expressly stated was adopted before a candidate was named, the whole South would leave, that the Webster delegates would follow, that a new convention would be formed, that Webster would be nominated and would stump the country as the Union candidate.* When, however, on the morning of the third day, the Southern platform was reported, the words "a final settlement" did not appear; yet the only votes against it came from Maine, New York, and Ohio.

The candidates, as was well known would be the case, were Fillmore, Scott, and Webster; but, when Saturday night came and forty-six ballots had been taken and the convention adjourned over Sunday, it was as far as ever from a choice. Up to that time the contest had been between Fillmore and Scott. Never had either failed to run more than a hundred votes ahead of Webster.† But now, a fair trial having shown that neither could be chosen, it was due to Webster, his friends asserted, that the Fillmore delegates should support the Great Expounder. Nor were they unwilling to do so. Indeed, it was finally agreed that, if Webster could secure forty-one votes from the North, the South would give him one hundred and six, just enough to secure the nomination. Every effort was made to get the forty-one. Maine was appealed to; but not a vote could be secured. New York was appealed to; but the delegates were controlled by Seward and dared not desert Scott. When, therefore, the convention assembled on Monday, Webster was doomed. On the fiftieth ballot the supporters of Fillmore began to go over to Scott, and on the fifty-third he was nominated. William A. Graham of North Carolina was chosen for Vice-President.

The selection of Pierce surprised his own party and the people everywhere. Never had he done anything, never had he said anything, which appealed to the voters, or marked him out as a statesman or a leader. His boyhood and youth had been passed in his native town of Hillsborough, New Hampshire, where he was born in 1804, and where his

* Philadelphia Ledger, June 18, 1852.

† On the first ballot Fillmore received 133; Scott, 131, and Webster, 29. For fifty ballots there was no important change.

father, Benjamin Pierce, a soldier of the Revolution, was a man of no little importance. At sixteen years of age Franklin entered Bowdoin College. After graduation he studied law, came back to Hillsborough, took an active part in the campaign of 1828, was sent to the State legislature, served four years, during two of which he was Speaker, was elected to Congress in 1832, was transferred to the Senate in 1837, but resigned in 1842, and, despite an offer from Polk of the Attorney-Generalship of the United States, and a nomination for Governor by a Democratic convention, remained in private life till 1847. Our country was then at war with Mexico, and Pierce, appointed a Brigadier-General, served under Scott in the famous march to the city of Mexico. His latest public service was as president of the convention which in 1850 revised the constitution of the State of New Hampshire.

The Whig nomination was received by the party with mingled feelings of joy, doubt, and disgust. There were those who saw in the military record of the hero of Lundy's Lane and Mexico a fine opportunity to repeat the campaigns of 1840 and 1848, and those who feared that Scott's non-intervention opinions would cost him the German vote, that Democrats would attack him as a native American and deprive him of the Irish vote, that the South would resent his failure to endorse the Compromise of 1850, and that no Free Soiler would support the Conqueror of Mexico. And there were those who were deeply grieved at the refusal of the convention to nominate Daniel Webster. To Webster the blow was heavy. His friends had worked hard, had spent money freely, and had assurances that the Southern delegates, after a few votes for Fillmore, would turn to Webster.* Their desertion hurt him keenly. He was, he said to a friend, too near God to have a single heart burning

* G. J. Abbott to Peter Harvey, April 13, 1852; Charles W. March to Webster, April 8, 1852, and April 12, 1852; Hiram Ketcham to Peter Harvey, April 12, 1852; Webster to his son, May, 1852; Edward Curtis to Peter Harvey, May 4, 1852; Hiram Ketcham to Peter Harvey, May 10, 1852; Edward Porter to Peter Harvey, May 25, 1852. All these letters are in the Letters of Daniel Webster, C. H. Van Tyne, pp. 516-519, 523, 524-526, 529.

against a human creature on earth; but he did feel profoundly chagrined that after doing "his duty" to his "Southern brethren they had neither the courage nor the kindness to place" him "on the records of that convention." He would "rather have had the record than the nomination." * To his son he wrote that he felt inclined to cross the sea. So great were the vexation and humiliation growing out of events connected with the convention that he had pretty much decided to resign in August and go abroad or into obscurity.†

Revolt against Scott began at once.‡ Nine Southern Whig members of Congress declared, in a manifesto, that they could not support him because, up to the hour of his nomination, he had given no public expression in favor of the compromise measures of 1850; because he had since made no declaration in their favor, and because he was the candidate of the Free Soil wing of the party.§ At Trenton, in July, a convention of Native Americans readopted their platform of 1848; but struck out the word "native" and nominated Webster and George C. Washington of Maryland.¶ Webster never accepted, and Washington announced that he would support Scott.‖ Whigs of Boston, assembled in Faneuil Hall, rejected Scott, declared for Webster, called a national convention, and appointed a committee to address the friends of their candidate in all the States.** Five Whig newspapers in Alabama refused to support Scott, and the Southern Rights Convention at Montgomery named a committee to question Scott and Pierce on the compromise and the right of secession. Should the answer of either be satisfactory he was to receive the votes of the Southern Rights Party in Alabama. Should neither give a satisfactory reply

* Van Tyne's Letters of Daniel Webster, pp. 531-532.

† Webster to his son, July 4, 1852. Ibid., p. 532.

‡ New York Herald, June 21, 1852.

§ Philadelphia Ledger, July 7, 1852. Signed by Faulkner of Virginia; Stephens, Toombs, White and Johnson of Georgia; Abercombie of Alabama, and Brooke of Mississippi; Gentry and Williams of Tennessee.

¶ National Intelligencer, July 9, 1852.

‖ Ibid., July 14, 1852.

** New York Herald, July 8, 1852.

the committee was to call another convention to nominate a candidate.* The Georgia Union Convention was split in twain. One party endorsed Pierce and the other withdrew and summoned a convention to frame a Webster electoral ticket.† These, because of their action, were dubbed "The Scooters," and in return ridiculed their opponents as "The Tar and Feather" party. Nicknames were the order of the day in Georgia. The Union Democratic was the "Tugalo Ticket" and the States' Rights men "The Spirit Rappers" because Herschel V. Johnson, who headed their electoral ticket, was believed to be a spiritualist.

While some disliked the candidate others disliked the platform. "We accept the candidate, but spit upon the platform" became a cant phrase of the hour. That the platform was a true statement of the principles on which Whigs united was vigorously denied. It was the creature of a section; it was forced on a large part of the delegates; was driven through the convention by arguments of menace and terror, was rammed down by the potent intimation "Swallow in silence or we bolt." ‡

In proof of the nativism of Scott the Democrats cited an old letter, written in 1841, and a long communication signed "Americus" and published in the *National Intelligencer* in 1844.§ In the letter Scott said he hesitated between extending the time of naturalization and a repeal of all naturalization acts, but inclined to the latter.¶ As Americus he was in favor of depriving all aliens of the ballot save such as had served two years in the army and navy. Against these documents the Whigs cited a speech in New York in 1848 in which he paid high tribute to the valor and devotion to the flag of citizens of Irish, German, French, and British birth who had fought with him in Mexico, and a letter in which he frankly stated that, while he once held Native American sentiments, experience had taught him better, and

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* Philadelphia Ledger, July 20, 1852.
† New York Herald, July 19, 1852.
‡ New York Tribune, June 22, 1852.
§ National Intelligencer, December 17, 1844.
¶ New York Herald, July 15, 1852.

he was now happy to call citizens of foreign birth brothers in the field, and salute them as countrymen at home.*

From the start the campaign was dull and listless. Nothing like it had been known since the second election of Monroe. An attempt was, indeed, made to stir up enthusiasm for Scott as a military hero, and a great mass meeting was arranged for the anniversary of the Battle of Lundy's Lane. To gather on the battle ground was not possible, for it was in Canada. So the nearest spot, Niagara Falls, was chosen, and thither, late in July, came delegates from the States, old soldiers of the War of 1812, and thousands of devoted Whigs. But, so far as the people were concerned, the effort was a failure, and the campaign rapidly degenerated into one of personal abuse of the candidates. Pierce was accused of cowardice in the Mexican War and of upholding the religious test in the constitution of New Hampshire. When that instrument was framed in 1784 a provision was inserted that representatives, Senators, Counsellors, and the President, as the Executive was called, must "be of the Protestant religion." In the revision of 1791 this qualification was stricken out, but the amendment was not ratified by the people, nor was another of like intent, submitted in 1852, and voted down. This, the Democrats maintained, was the work of the Whigs, who flung back the charge and showed that Pierce, though president of the Constitutional Convention, had taken no interest, had uttered no word in favor of Catholic enfranchisement.† That he was in favor of abolition of the test was asserted in a letter written by a Democrat in Concord to a gentleman in Milwaukee, where German Catholics were numerous. Every Catholic in Concord, thirty-six in number, signed it, and that they were Catholics was certified by the priest.‡

Against Scott the most serious charge was hostility to the adopted citizen. So serious was it felt to be that he was

* The Republic, July 10, 1852.

† Speech of William E. Robinson in Exposition of New Hampshire Democracy in Its Relation to Catholic Emancipation, etc., New York, 1852.

‡ Papers for the People, No. XI. Also General Pierce and the Catholics, from the Boston Pilot, August 14, 1852.

sent on a tour of the Western States that he might meet, face to face, the German and Irish voters and deny the charge. Never before had a candidate for the Presidency gone upon such a trip. Some excuse had to be found for so indecorous a proceeding, and it was found in an act of Congress which made him one of a board to visit Blue Lick Springs, in Kentucky, and decide on its fitness as a site for the Western Military Asylum. Setting out from Washington, he went to Pittsburg, where he explained that he was not on a stumping tour. Official duties, he said, compelled him to go West. He was sorry to do so during a Presidential campaign, but could not help it. At Cleveland he began his speech with the words "Fellow citizens. When I say fellow citizens I mean native and adopted as well as those who intend to become citizens." "You're welcome here," said an Irishman. "I hear that rich brogue," said Scott. "I love to hear it. It makes me remember the noble deeds of Irishmen, many of whom I have led to battle and to victory." Again he asserted that he was merely traveling to select a site for a military hospital,* and repeated the statement many times to the crowds that came to gaze at him between Cleveland and Columbus, where he told the Germans that he had not hanged fifteen of their countrymen in Mexico. Thence the route lay through Circleville, Chillicothe, and Portsmouth to Blue Licks. Having visited the proposed site of the hospital with General Wool, Scott went on through Kentucky to Maysville, Paris, Lexington, and Louisville, to Madison in Indiana, where he expressed his admiration for the adopted citizen, for the rich Irish brogue and the strong German accent. More complimentary speeches were made at Cincinnati, Covington, Dayton, Springfield, Urbana, Tiffin, Sandusky, and Buffalo, and at the chief towns and cities between Niagara Falls and Albany. "My fellow countrymen," said he to those who gathered about him at Rochester, "and in this I include all, whether born here or adopted citizens or those intending to become citizens. I make no distinction." At Auburn he

* New York Herald, September 22, 1852.

detected in the cheers a brogue he was always happy to hear. He had been in many tight places, but had always been sustained by the sons of the Emerald Isle, and denied that he had hanged Irishmen in Mexico. At Albany he turned southward, and, speaking at town after town as he passed along, went through New York, Philadelphia, and Baltimore to Washington, which he reached late in October. Fifty-two speeches in all were made. None were political.*

Much was said by the Democrats concerning what would be the foreign policy of the Whigs if retained in power, and of the Democrats if restored to power. Elect Scott, it was predicted, and the country will have a Seward government. Sectional agitation and fanaticism will be rekindled, Native Americanism will rear its bigoted head, a fiscal corporation will be chartered, and there will be a high tariff, a distribution of the sales of public lands, and treasury robbing disguised as a river and harbor bill; but no active sympathy with the struggles of the oppressed in other lands. Friends of liberal institutions in Ireland, Germany, Italy, Cuba will get no word of cheer from the government of the Great Republic of the West.† Elect Pierce and the country would be blessed with a progressive Young America policy of the most vigorous sort. Then will the American democratic system be extended wherever possible, then will the so-called neutrality laws be so liberally interpreted that foreign democracies and our own citizens will have the same liberty to export arms that is now granted by a Whig administration to the agents of monarchies at war with their peoples; then will no government dare to interfere in the quarrels of another government and its people. Foreign relations will be the great question with which the next administration will have to deal. Australia and possibly Canada will become free. Vast American interests are even now at stake on the Isthmus and in Central America, which Great Britain seeks

* The Modern Epic. Fifty-two speeches of Major General Winfield Scott, embracing a Narrative of a Trip to the Blue Licks and back to Washington in Search of a Site for a Military Hospital. The Iliad of the Nineteenth Century.—New York Herald, October 26, 1852.

† Papers for the People, No. XVIII.

to make a half-way house on the route to her Eastern possession. The Hawaiian Islands are ready to throw themselves into our arms. With a Democratic Congress and a Democratic President we can easily settle this matter of a further extension of our country, so necessary to our position as the great nation of the West. Douglas asked the crowd that listened to him at Richmond why, when Spain broke treaty stipulations and butchered fifty of our citizens without trial, we and not Spain made apologies. Admit, said he, that the filibusters did wrong. Still, under the treaty they were entitled to a fair trial. Instead of a trial they were murdered in cold blood, and we apologized because an irresponsible mob, coming no one knew whence, going no one knew where, pulled down a house in New Orleans. We put our foreheads in the dust before offended royalty and the flag of stars was trailed in the dirt before the banner of Castile. Would the Nicaraguan business have stained the pages of our diplomacy if a Democratic administration had been in power? Could any others than Whigs have truckled as Clayton did to British power?* The United States, said he to a Tammany Hall gathering, has a right to and will have the Isthmus of Panama, Nicaragua, Tehuantepec.† The proclamation solemnly outlawing our fellow citizens, their surrender to torture and death at the hands of Spanish butchers, the unavenged massacre of *Crittenden,* the coalition of Great Britain, France, and Spain to protect Cuba from buccaneering by American citizens, these are the results of the foreign policy of the Whigs, said a Democratic journal.‡

There is no earthly way of checking the filibustering spirit and preventing war, foreign and domestic, said a Whig journal, save by electing Scott. He is the candidate of the party friendly to progress, but not to rapine, of the party which rejects the annexation of Cuba and alliance with filibusters, of the party which cares not half so much about the

* Speech at Richmond, July 9, 1852.

† Speech at Tammany Hall, New York, National Intelligencer, October 23, 1852.

‡ The Union, October 1, 1852.

independence of Cuba as about the honor and happiness of the United States.* Should Pierce be elected war for Cuba will be risked. Mexico, too, will be tempting prey for the rapacious spirit of Young America. The border quarrel and her refusal to carry out the Tehuantepec grant will be ample provocation.

More candidates by this time were in the field. The committee chosen by the Cleveland convention of 1851 to select a meeting place for the National Nominating Convention chose Pittsburg as the city and August eleventh as the day, called on all friends of the Buffalo platform to appoint delegates, and assumed the name Free Democracy for the new party.† Thus summoned, delegates came from every free State, and from Delaware, Maryland, Virginia, and Kentucky,‡ nominated Hale and Julian, demanded the repeal of the Fugitive Slave law, free farms for the people, cheap postage, a recognition of the negro republic of Hayti, arbitration of international disputes, the improvement of rivers and harbors at national expense, a welcome to foreigners and no abridgment of their privilege of becoming citizens, and inscribed on its banner "Free soil, free speech, free labor, and free men." What was left of the Liberty Party nominated Gerritt Smith and Charles Durkee, and when both declined called a second convention, which split. One part named William Goodell and Charles C. Foot. The seceders resolved to support Hale and Julian. At Montgomery, in September, the Democratic Southern Rights Convention nominated George M. Troupe of Georgia and General Quitman of Mississippi. Troupe accepted for the sole purpose, he said, of organizing the party.

Thus was it that, in the dullest of campaigns, five leaders were placed before the people by the Democrats, the Whigs, the Free Democracy, the Liberty Party, and the discontented Whig and Union Democrats who supported Webster. To the movement in his behalf the Great Expounder gave no heed. No nomination was accepted, none

* National Intelligencer, October 28, 1852.
† New York Herald, June 21, 1852.
‡ National Intelligencer, August 19, 1852.

was declined. All were treated with indifference. Sick at heart, broken in health, he went to Boston in July, and on the Common received from his fellow townsmen the greatest public reception ever accorded to any man, and at Marshfield spoke to his neighbors on the fisheries dispute. In August he was back in Washington, but soon returned to Marshfield, where he failed rapidly and died just before dawn on the morning of the twenty-fourth of October.* Clay had preceded him by a few months, having expired at Washington on the twenty-ninth of June.

The death, in the midst of the campaign, of the two great leaders of the Whigs seemed to presage the fate of the party. At no time did Scott have a prospect of success, and on election day he secured but forty-two electors. Pierce carried every State in the Union save four,† made sure of two hundred and fifty-four electoral votes, and had a popular majority of nearly sixty thousand.‡ The Whig party had received a death blow.

The blame for defeat was laid upon Seward. It signifies, said one journal, that the Whig party is annihilated, that Sewardism killed it. Some say Native Americanism, Whig indifference, false issues. None of these. Free trade and public improvements did not enter into the minds of the voters. Sewardism and disunion versus the Constitution and the Union was the issue, and was fairly laid before the people. Those eager for reckless abolition of slavery, those who would see the Union broken and the fragments scattered to the winds, voted for Scott. Those who held that sedition must be crushed voted for Pierce. The scheme of the Seward party was to make the convention reject Fillmore and Webster, who would never be the tools of Seward, and put up a man they could use. It was Sewardism for

* After the death of Webster the Executive Committee of the Native Americans met and nominated Jacob Brown and Reynell Coates of New Jersey for President and Vice-President.

† The four states carried by Scott were Massachusetts, Vermont, Kentucky and Tennessee.

‡ The popular vote for Pierce was 1,601,474; for Scott, 1,386,578; for Hale, 156,149. South Carolina electors were chosen by her legislature.

which the South was sacrificed at Baltimore, and in return every Southern State has gone by the board, and every Northern State save those strongholds of abolition, Massachusetts and Vermont.* The election is a verdict in favor of the compromise of 1850, the tariff of 1848, and a condemnation of Sewardism. The people feared, if they elected Scott, he would be too much under the influence of the Seward clique.† The conservative sentiment in the country has repudiated and abjured forever that sectional party of which Seward is the special representative.‡ The best canvasser that Pierce had, said a German newspaper, was without doubt Scott. Long may he live to hear "the rich Irish brogue" and "the sweet German accent." § Clamor against nativism and a bugbear outcry against abolitionists have been the main causes for our defeat. But filibusterism, a passion for the conquest and annexation of Cuba, and the indifference of business men, prosperous and contented, to politics, have been potent factors.|| Scott is not so much defeated as routed. The invincible soldier has met his Waterloo. The manner of his nomination and his failure to conciliate the foreign-born and the native voters caused his defeat.¶ The people are tired of the feeble, amicable neutrality of the present administration, and call for something positive, something that will uphold and advance the honor, dignity, and power of this great country among the nations of the earth.** There was much truth in this statement. That Pierce would adopt a vigorous foreign policy was fully expected. All gains of territory, said one of his party journals, have been made under Democratic rule. We now have once more a Democratic government, and may we not hope a further expansion of commerce and prosperity, a further increase in territory? †† In New York the great Democratic

* New York Herald, November 4, 5, 1852.
† Journal of Commerce, November 3, 1852.
‡ National Intelligencer, November 10, 1852.
§ Staats Zeitung, November 4, 1852.
|| New York Tribune, November 3, 1852.
¶ New York Express, November 3, 1852.
** National Intelligencer, November 16, 1852.
†† National Democrat, November 3, 1852.

victory was celebrated with bonfires, an illumination, and a night parade. On one of the transparencies were the words "The Acquisition of Cuba by Purchase." * At the Democratic festival at Albany one of the toasts was "Cuba and the Sandwich Isles—may they soon be added to the galaxy of States." Another was "The Fruits of the late Democratic victory—Pierce and Cuba." Another "May the Queen of the Antilles be added to our glorious Confederacy under the prosperous administration of Pierce." And still another "The Lone Star—Nightly it beams and beckons onward." †

To these demands for expansion and a vigorous policy toward foreign nations, Pierce, in his inaugural, replied that he would "not be controlled by any timid forebodings of evil from expansion"; that our position on the globe made "the acquisition of certain possessions not within our jurisdiction eminently important"; that "the rights, security and repose of this Confederacy reject the idea of interference or colonization on this side of the ocean by any foreign power beyond present jurisdiction, as utterly inadmissible." Nor were national rights alone to be protected.

Those of the citizen abroad must be just as sacredly upheld. He must feel, however far from home he might wander, that the agent left behind in the chair of state would see to it that no rude hand of power or tyrannical passion was laid on him with impunity. He must know that on every sea and on every land where he could rightfully claim the protection of the flag American citizenship was an inviolable panoply for the protection of American rights. The sincerity of the President was soon put to the test.

A native of Hungary named Marten Koszta had taken arms against Austria in 1848, had fled to Turkey when all was lost, and, in 1850, like hundreds of his countrymen, had found a refuge from oppression in our land. In due time Koszta declared his intentions to become a citizen of the United States; but before the necessary term of resi-

* The Republic, November 17, 1852.
† Ibid., November 30, 1852.

dence expired he went once more to Turkey on business. At Smyrna the Austrian Consul General sought his arrest, and when the Turkish governor would not consent had him kidnapped and taken on board the *Huzzar,* an Austrian brig-of-war. There he was at once put in irons. Our consul at Smyrna and our legation at Constantinople protested vigorously and demanded his release, and might have continued to do so without effect had not Commander Ingraham, in the ship of war *St. Louis,* entered the harbor of Smyrna in the nick of time. Ingraham investigated the arrest, decided that Koszta was entitled to protection, demanded his release, and brought guns of the *St. Louis* to bear on the *Huzzar.* A compromise followed. Koszta was turned over to the care of the French consul to be held till the two governments concerned should agree on his fate. Austria then protested to the courts of Europe against the conduct of Ingraham, and bade Hülsemann ask our government to put no obstacles in the way of Koszta's extradition, disavow the action of its agents, call them to severe account, and tender Austria satisfaction proportionate to the magnitude of the outrage. All this Hülsemann did and drew from Marcy in reply a paper almost as famous in our diplomatic annals as that addressed to him two years before by Daniel Webster. The end of the matter was that our minister at Constantinople was informed that the Austrian government would consent to Koszta's release provided he was at once put on board an American vessel and sent to the United States. The reason for the concession was the discovery, near Orsova, just across the Hungarian border, of the long-lost Hungarian regalia. It then appeared that Koszta was one of Kossuth's party when the crown was taken from Buda, and that the belief that he could tell where it was hidden was the cause of his arrest.*

Pierce in his inaugural had declared for expansion, and had said that it might be necessary to acquire certain pos-

* An account of the recovery of the regalia is given in the National Intelligencer, October 15, 1853. Other facts concerning Koszta's release are in the National Intelligencer, October 7 and November 8, 1853.

sessions not within our jurisdiction, but had pledged himself that they should not be acquired in a grasping spirit or in a manner dishonorable to the nation, and had warned the filibusters that no act by any part of our citizens which could not be justified before the tribunal of the civilized world would be tolerated. Ere he had been many months in office a band of filibusters invaded lower California and a war for the acquisition of Cuba came very near.

The Cuban policy of the President was explained by Marcy to the new minister to Spain, Pierre Soulé. We would resist at every hazard a transfer of Cuba to any European power. We would regret to see Spain appeal to any other power for aid to maintain her rule over Cuba. But, unless the connection of the island to the mother country was so changed as to threaten our present and future security, we would do nothing to disturb existing relations. Under certain conditions we might be willing to buy Cuba; but the President did not think it proper to make any proposition for purchase, for it was not likely such an offer would be listened to for a moment. Indeed, there was good reason to believe that Spain had promised Great Britain and France never to transfer Cuba to the United States. He should, therefore, attempt to find out if this were true, and especially if the other powers were urging Spain to set free the slaves in Cuba.

Commercial relations should likewise receive attention. Our flag must be respected and our commerce not interfered with by Cuban authorities. We could not submit to have our merchant vessels searched or detained on their lawful voyages.* A few months later the *Black Warrior* was detained.

During eighteen months past she had plied back and forth between New York and Mobile, stopping each way at Havana to take on passengers and mail, but never to discharge or receive freight. Six and thirty such stops had been made when, late in February, the *Black Warrior* entered the harbor on her way from Mobile. The passenger

* Marcy to Soulé, July 23, 1853, House Executive Documents, 33d Congress, 2d Session, No. 93.

list, the crew list, the bill of health, and the manifest with the cargo entered as ballast as on every previous visit, were handed to the boarding officer, but a few hours later, when clearance was asked for, the authorities declared the *Black Warrior* could not sail. Her captain had entered her cargo "in ballast" when he should have entered it "in transit," and the cargo of four hundred bales of cotton was confiscated. On the following morning lighters were brought alongside and the captain ordered to take out the cotton. He would not; so the hatches were forced, and when the first bale was removed Captain Bullock hauled down his flag and, with the crew, boarded the United States steamship *Fulton.**

No sooner did the news of the action of the Custom House officials at Havana reach Washington than a call was made on the President for information, and a resolution was introduced into the House to instruct the Committee on Foreign Affairs to inquire as to the cause of the outrage, report what legislation by Congress or action by the government was necessary to procure indemnity, and to state particularly whether our neutrality laws as to Spain ought to be suspended or repealed.†

What the government had done in the affair of the *Black Warrior* was this: On receipt of the news a messenger was hurried off to Soulé with instructions to demand indemnity. No evasion, no delay would be brooked. Spain must disavow the acts of her officials, and tender satisfaction, or take the responsibility of their actions. Soulé made the demand, and when three days passed and no reply came repeated it, insisted that all persons, however unimportant, however high in rank, who were in any way responsible for the *Black Warrior* affair, be turned out of office, and served notice that, if an answer was not received within forty-eight hours, the United States would consider that the acts of the Cuban officials were approved.‡ Soulé was now informed that the

* Philadelphia Ledger, March 7, 11, 16, 1854. House Executive Documents, 33d Congress, 2d Session, No. 93, Vol. 10, pp. 42-44, 47.

† Resolution offered by Mr. Deane, March 9.

‡ Soulé to Calderon de la Barca, April 11, 1854.

government had no information on which to form a judgment, that when it came a course of action suitable to the case would be proposed to Her Majesty, and that his peremptory manner of demanding satisfaction suggested a suspicion that he sought not redress, but rather a pretext for an estrangement, if not a quarrel, between two friendly powers.* Soulé answered with another note haughty in tone, and so for a month the matter rested. When at last the demand for damages and apology was answered, Marcy wrote to Soulé that it was wholly unsatisfactory; but the President was unwilling to use force to bring about a better state of things with respect to Cuba. He had, therefore, decided to make a solemn appeal to Spain for a settlement of the issues which threatened our friendly relations, and did not wish Soulé to go any further in the affair of the *Black Warrior*. For the purpose of making this solemn appeal two distinguished citizens were to be joined with him. Rumor had it that they were to be Dallas and Cobb, and they were to seek for the acquisition of Cuba as a political and commercial necessity; but Marcy abandoned this plan and authorized a full and free interchange of views between our ministers at London, Paris, and Madrid, whose reports as to the intentions of Great Britain, France, and Spain regarding Cuba had bewildered him.

The three ministers accordingly met at Ostend, went to Aix-la-Chapelle, and there signed a report ever since known as the Ostend Manifesto. In their opinion earnest efforts should be made at once to buy Cuba at any price within reason; the proposal should be made to the Cortes about to assemble; and, unless the malign influences of powers that had no right whatever to interfere were exerted, there need be no fear of failure.

The United States ought to buy Cuba because of its nearness to our coast; because it belonged naturally to that great group of States of which the Union was the providential nursery; because it commanded the mouth of the Mis-

* House Executive Documents, 33d Congress, 2d Session, No. 93, pp. 72-74. Marcy to Soulé, March 17, 1854; Soulé to Calderon de la Barca, April 11, 1854; Calderon de la Barca to Soulé, April 12, 1854.

sissippi whose immense and annually growing trade must seek that way to the ocean, and because the Union could never enjoy repose, could never be secure, till Cuba was within its boundaries.

If, however, Spain, dead to the voice of her own interests, and moved by pride and a false sense of honor, refused to sell Cuba, there would then arise the question: does Cuba, in the possession of Spain, endanger the peace and existence of our Union? If the answer were yes, then, by every law human and divine, we should be justified in wresting it from her.

The reply of Marcy to Soulé was a repudiation of the manifesto. This was too much for the minister who resigned and came home. With these diplomatic failures were mingled some triumphs. The fisheries treaty with Great Britain in 1854 put an end, for the time being, to that dispute. With Japan was concluded a treaty far-reaching in its consequences to that country and the world.

Again and again attempts had been made to secure trade relations with her; but in vain. Nation after nation, Portugal, Holland, Great Britain, Spain, our own country, had tried and tried with little success, for the privileges granted Portugal for a short time, and the right given the Dutch to send one ship a year to Nagasaki, need not be considered as commercial intercourse. Such was the hatred of foreigners that when a Japanese junk was driven by storms to the mouth of the Columbia River in 1831, and a United States vessel was sent with the crew to Yeddo, it was fired on and forced to return. This incident seems to have aroused our government to make its first effort to open trade, if not diplomatic relations, with Japan, and in 1832 a special agent was sent, but he died on the way. Thirteen years later a second attempt was made, and Commodore Biddle with two ships was dispatched to ascertain if the ports of Japan could be opened to us. But he, too, was driven away from Yeddo. Ere a decade passed our interests in the Pacific had so increased that another effort seemed expedient. California had been acquired and admitted as a State; gold had been discovered, and people from all parts of the world were

hurrying thither; transit routes had been opened across Nicaragua and Panama and the East brought nearer to the Atlantic coast. Great results were expected if intercourse with Japan could be opened. In 1852, therefore, Commodore Mathew Calbraith Perry was selected and instructed to make the new attempt. As soon as the *Mississippi* was ready he was to go to Hong Kong, take command of the fleet of Commodore Aulick, and repair to Japan. Perry left in October, 1852, reached Hong Kong in the following April, and after a long stay at Shanghai and Napa arrived with the *Mississippi, Saratoga, Plymouth,* and *Susquehanna* off Uraga, a town twenty-seven miles from Yeddo.

Boats full of Japanese at once surrounded the ships, but nobody was suffered to come aboard. One carrying a person of distinction was allowed to come alongside of the *Mississippi.* He proved to be the vice-governor of Uraga, and wished to see the officer in command, and, when told that none save an official of the highest rank could have that honor, asked to confer with one of his own rank. Lieutenant Contee met him, answered many questions, and told him that the Americans had come as friends; that Commodore Perry bore a letter from the President of the United States to the Emperor, and wished an interview with an official of the highest rank in order that it might be delivered. Nagasaki, he was assured, was the only place where foreign business could be transacted. The Americans, he replied, had come to Uraga because it was nearer Yeddo, would not go to Nagasaki, and expected the letter to be received where they were. A day or two later the Mayor came, but was not received. He, too, insisted that the strangers must go to Nagasaki; but, when told that if a proper official were not appointed to receive the letter the Americans would land in force and deliver it themselves, he promised that a messenger should be sent at once to Yeddo. After three days the Mayor came again and reported that a suitable building would be erected for the reception of Commodore Perry and suite, that a high official would receive the letter, and that an answer would be sent through the Dutch or Chinese superintendents at Nagasaki. Perry would not listen to

this; whereupon the Mayor went ashore to consult, and, returning, announced that a very distinguished person would be appointed. Some delay was caused by the erection of a reception building; but about the middle of March the landing was made and the letter formally delivered. After his return to the *Mississippi* Perry was informed by note that, the letter from the President having been delivered, he must depart, for he had repeatedly been told that foreign business could not be transacted at Uraga. Instead of departing the whole fleet moved ten miles up the bay and the *Mississippi* went on ten miles further. Perry then returned to China that the Emperor might have time to reflect on the visit and the letter.

In February, 1854, however, he was back at the anchorage ten miles above Uraga with the *Mississippi, Lexington, Vandalia, Macedonian, Susquehanna,* and *Powhattan.* There some mandarins came on board and reported that commissioners had been appointed to confer with him on the President's letter, and that the meeting place would be twenty miles below Uraga. Perry refused to go there. Uraga was then suggested, and again he refused, declared that the place must be somewhere between his anchorage and Yeddo, and, to impress the Japanese with his determination, went in the *Mississippi* to within sight of Yeddo, so near that at night the bells in the city were heard distinctly. This ended discussion; the Japanese yielded, a new reception building was erected opposite the anchorage, and Perry received with great ceremony. At the reception the draft of a treaty was presented, for the Commodore had been instructed to obtain leave for American vessels to enter the ports of Japan for food, water, and to make repairs. March thirty-first the treaty was signed. It provided that the ports of Simoda and Hakodadi should be open to Americans for wood, water, provisions, and coal; that shipwrecked sailors should be treated well, and that the gold and silver coin and goods of the United States might be exchanged for the coins and goods of Japan.*

* Senate Document, 33d Congress, 2d Session, Vol. 6, No. 34.

At home the craze for filibustering, which sent hundreds of men to Cuba, broke out again and sent hundreds more to Nicaragua to fight under Walker. William Walker first rose to public notice as a filibuster in 1853, when with a few companions he invaded lower California, proclaimed the Republic of Sonora, and after a short stay fled across the boundary line and surrendered to United States officials at Fort Yuma. A year later, when Nicaragua was in a state of revolution, Walker was persuaded to take service under the liberalist leader Castillon, rose quickly to be commander-in-chief, and in return for promised aid entered into a plot with certain officials of the Accessory Transit Company to wrest control of it from Cornelius Vanderbilt. Before doing so, however, he determined to use the company to secure recruits, and arranged with it to bring him men and charge the cost against a debt it owed Nicaragua. Advertisements for men then appeared in the New York and New Orleans newspapers, and in three months' time a thousand recruits were carried to Nicaragua.* President Rivas was then forced to sign a decree revoking the charter of the Accessory Transit Company, and confiscating its property, and to sign a new charter granting all the transit privileges of the old to a new company. The old company at once withdrew its steamships; but the new company procured other boats and recruits once more poured into Nicaragua. They were sorely needed, for President Mora of Costa Rica declared war on Walker and the Americans,† put an army in the field, sacked Virgin Bay, and entered Rivas, whence Walker failed to drive him.‡ As the reports of the fighting spread over the country recruiting for the army of Walker became more active than ever. Public meetings were held to express sympathy and money was raised in considerable quantity. At the New Orleans meeting Soulé set forth the wrongs of Nicaragua, the heroism of Walker, and the duty of Amer-

* Vanderbilt to Marcy, March 17, 1856. Senate Executive Documents, 34th Congress, 1st Session, Vol. 13, No. 68, pp. 120-121.

† The Proclamation of War, February 28, 1856; Mora's Address to the People of Costa Rica, March 1, 1856, and Walker's Proclamation are published in New York Tribune, April 3, 1856.

‡ New York Tribune, April 17, 1856.

icans to fly to his aid, depicted the glory of expansion, and the dangers which threatened New Orleans when British cannon in the Bay Islands were pointed at her very door, and declared that the Monroe Doctrine must be enforced and that the greatest obstacle Walker had to contend with was the evil spirit of the North.* At New York the chiefs of Tammany Hall plastered the fences in the city with posters inviting all true friends of Republicanism, all opposed to British meddling in the affairs of Central America, to attend a Nicaragua demonstration meeting. The call was signed by Cass, Douglas, Quitman, Benjamin, Toombs, and many other supporters of slavery and expansion.† None of them attended; but the followers of Tammany did. At Louisville a hundred and fifty volunteers, emigrants as they were called, left for New Orleans to take steamer to Nicaragua.‡

Walker meantime had run his course. Disregard of orders led Rivas in the summer of 1856 to denounce him as a usurper, a traitor, and an enemy of the Republic, and to strip him of command. Walker in return deposed Rivas and in July was elected President in his stead. Rivas then called on the neighboring states for aid. Guatemala, San Salvador, Costa Rica, and Honduras responded, united against Walker, and drove him into Granada. Taking advantage of the war, Vanderbilt sent an agent to Costa Rica, who employed an American named Spencer to close the San Juan River and cut off Walker's communication with Greytown. Gathering a hundred and twenty men at San José, Spencer marched to the San Carlos River, floated down it on rafts to the San Juan, captured a force left to guard the transit route, took Greytown, seized four river boats at Punta Arenas, and, using them to ascend the river, captured the steamers on the lake.§

Cut off from help from the United States, the fate of

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* National Intelligencer, May 6, 1856.

† New York Tribune, May 10, 1856.

‡ Louisville Courier, May 22, 1856.

§ A Forgotten Chapter in History. Overland Monthly, New Series, Vol. 21.

Geographical Results of the Compromise of 1850, the Gadsden Purchase and the Kansas-Nebraska Act, 1854.

Walker was sealed. The allies closed in, and he prepared to make a last stand in Rivas. But one morning in May a flag of truce brought letters announcing that Lieutenant Huston of the United States war vessel *St. Mary's* was at the headquarters of the allies ready to conduct the women and children in Rivas to San Juan del Sur, and a few days later Captain Davis of the *St. Mary's* proposed that Walker surrender to him and leave the country. The surrender was made and Walker was taken to Panama, whence he went to New Orleans.

A few months after the Japanese treaty was made, the President proclaimed the Gadsden treaty concluded with Mexico in the last days of 1853. It settled the dispute over the boundary of 1848, carried the new line well south of the Gila River; it established what is now the south boundary of our country from the Rio Grande to the Colorado, and released the government from its pledge to protect Mexico from Indian invasion. For these concessions we paid ten million dollars.

CHAPTER XC.

REPEAL OF THE MISSOURI COMPROMISE.

The admission of California into the Union, and the organization of the territories of Utah, New Mexico, and Minnesota, reduced that part of our country without government to the vast region bounded by the Rocky Mountains on the West, British America on the North, Minnesota, Iowa, Missouri and Arkansas on the East, and Texas and New Mexico on the South. In the southeast corner of this splendid domain were the reservations where dwelt the Indians removed from the States East of the Mississippi. These reservations, as originally laid out, were long, narrow, rectangular strips of territory lying one over the other, abutting on the whole western border of Missouri and Arkansas, and stretching westward, some of them several degrees. Into this Indian country no white man could go, lawfully, for settlement, nor were any whites allowed there save the troops, the Indian agents, and the missionaries. Thus closed to settlement, and lying along the entire western border of Missouri and Arkansas, they formed a barrier checking the advancing tide of population so effectually that the most populous counties in Missouri were those on its western border. That such a state of things could long continue, that the country west of Missouri, the Platte country, as it was often called, could remain permanently without organized government, was not to be expected. The moment the pressure behind became too great the Indian boundary would burst asunder and the people overrun the country. Indeed, as time passed attempts to break through the barrier were made again and again. Within seven years the legislature

of Missouri memorialized Congress to set up government in the region west of the State;* Douglas introduced a bill to organize Nebraska;† citizens of the frontier town of Parkville petitioned Congress to extinguish the Indian titles, organize Nebraska, and open it to settlement;‡ the Wyandotte Indians sent a territorial delegate to Washington; the House passed a bill organizing Nebraska;§ Benton dragged the issue into his campaign for the Senate in 1853; the Wyandottes organized a territorial government, elected a provisional governor and council and delegate to Congress, and in 1854 a convention of delegates from Missouri, Iowa, and Nebraska met at St. Joseph and demanded the early extinguishment of Indian titles, and the establishment of territorial government in Nebraska as necessary to secure protection to the Pacific Railroad and shelter to the thousands of emigrants annually crossing the plains, and declared in favor of leaving the question of slavery "to be settled by the citizens of the territory when they form a State government." ¶

Clearly the time for action had come, and on the opening day of the session Senator Dodge of Iowa gave notice that he would introduce a bill providing for territorial government in Nebraska.‖ That another struggle in Congress over slavery was now at hand, that it was the direct result of the Benton-Atchison feud in Missouri, and that, in the course of it, the question of the right of the people in the territory to decide the issue of slavery would play an important part was pointed out by the Washington correspondents of the press, North and South, East and West.**

They were right, and when Douglas reported the bill on

* Journal of the House of Representatives, 30th Congress, 1st Session, December 20, 1847.

† Congressional Globe, 30th Congress, 1st Session, pp. 467, 656, 685.

‡ Ray. Repeal of the Missouri Compromise, pp. 81-83.

§ Ibid., pp. 84-85.

¶ Missouri Republican, January 9, 1854.

‖ Congressional Globe, 33d Congress, 1st Session, Vol. XXVIII, Pt. 1, p. 1.

** Richmond Enquirer, quoted by Ray in Repeal of the Missouri Compromise, pp. 188-189; Philadelphia Public Ledger, December 14, 1853; New York Herald, January 9, 1854.

the fourth of January, 1854, it provided that, when admitted as a State or States, Nebraska, or any portion of it, should be received into the Union with or without slavery, as their constitutions might prescribe. With the bill came a report setting forth that the amendments which the committee deemed it a duty to recommend were those which affirmed and proposed to carry into practical operation in Nebraska the principles established by the compromise measures of 1850, so far as applicable to the territory. These great measures were not intended to be a mere settlement of the difficulties arising from the acquisition of Mexican soil. They were designed to establish certain great principles which, by withdrawing the question of slavery from the halls of Congress and from the arena of politics and leaving it with those most concerned and alone responsible for its consequence, would afford a remedy for existing evils and avoid for all time to come the perils of slavery agitation. These great principles were: that all questions of slavery in the territories and in the new States formed from them were left to the decision of the people residing therein; that all cases involving title to slaves and questions of personal freedom were referred to the jurisdiction of the local tribunal with the right of appeal to the Supreme Court of the United States; and that the act for the return of fugitives from labor was to be as faithfully executed in the territories as in the States.

The bill as it came from the printer contained twenty sections. But three days later a new edition appeared with twenty-one sections, and this twenty-first section set forth that, in order to avoid all misconception, it was declared to be the true intent and meaning of the act, as far as slavery was concerned, to carry into practical operation in the territory the great principles established by the compromise measures of 1850. The three principles mentioned in the report were then restated and made a part of the bill. They had been left out of the first edition of the bill, the committee explained, by a clerical error.

As thus presented the bill merely reaffirmed the doctrine of non-intervention, and left untouched the question whether

the restriction imposed by the compromise of 1820 was, or was not, repealed by the compromise of 1850. But Senator Dixon of Kentucky announced that when the bill came up for consideration he would move an amendment expressly repealing the Missouri Compromise.* On the following day Sumner gave notice that he would move an amendment expressly affirming the Missouri Compromise. For this Douglas cared nothing. The action of Dixon alone concerned him, and, finding the Kentucky Senator determined to stand by the amendment, he offered to co-operate to secure the repeal of the restriction on slavery. But the Washington organ of the administration now attacked the amendment of Dixon chiefly because he was a Whig.† Lest this might injure the prospects of repeal in the House, Douglas called on Jefferson Davis, told him of the proposed change in the Nebraska bill, asked him to procure an interview with Pierce at once, and was taken to the White House. The day was Sunday and Pierce was not inclined to transact business on that day; but so desirous was Douglas to bring in his new bill on Monday that the President heard what he had to say and promised to support the measure.‡

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* "On examining that bill it struck me that it was deficient in one material respect; it did not repeal the restrictive prohibition in regard to slavery embodied in the Missouri Compromise. This, to me, was a deficiency that I thought imperiously necessary to supply." Dixon to Foote. H. M. Flint, Life of Stephen Douglas, N. Y., 1860, p. 139.

† Washington Union, January 20, 1854.

‡ Rise and Fall of the Confederate Government: Jefferson Davis, Vol. I, p. 28; New York Herald, January 24, 1854; Ray, Repeal of the Missouri Compromise, pp. 214-215. Mr. Philip Phillips, a member of the Committee on Territories, in 1854, gave a different account. He did not think the bill repealed the Missouri Compromise.

"This view of the bill I communicated to Senator Hunter and others, and on the following day, meeting with Vice-President Atchinson, he said to me: 'Hunter tells me you say Douglas' Bill does not repeal the Missouri Compromise Act. This surprises me.' On my reply in the affirmative, he requested me to meet Mr. Douglas in the Vice-President's room the following morning, which I did.

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"A few nights after our conference Mr. Douglas and John C. Breckenridge, a member of the House, called on me. The former re-

On Monday, the twenty-third of January, accordingly, Douglas called up his bill and offered a substitute which cut the territory into Kansas and Nebraska, and declared the slavery restriction laid on the Louisiana purchase by the Missouri Compromise "superseded by the principles of the legislation of 1850, commonly called the compromise measures," and no longer operative. Three events make Tuesday, the twenty-fourth of January, a memorable day in the history of the struggle thus opened. The first was a statement by Senator Dixon that he was satisfied with the provision of the bill and would not offer his amendment. The second was an article in the Washington *Union,* pledging the party to support the Kansas-Nebraska bill, and serving notice on the Democrats that adhesion to the measure would be regarded as a test of orthodoxy.* The third was the publica-

quested me to write out the form of a repeal of the Act of 1820. This I did.

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"I then had a conference with the mess occupying at that time a House in the rear of the patent office. It was composed of Vice-President Atchinson, Senators Hunter and Mason of Virginia, Butler of South Carolina, Goode, Representative of Virginia. I consulted some others, names not now remembered. There was a general concurrence in the propriety of the repeal. On Saturday I informed Mr. Douglas of this concurrence. He said, 'Very good. To-morrow night we will go to the White House and see President Pierce on the subject.' I objected to going there on business on Sunday night, but Mr. Douglas assured me the visit would not be unacceptable. (This would indicate that Mr. D. had already conferred with the President.)

"About 9 o'clock on Sunday night we met at the house of the mess. Mr. Douglas called his carriage, and took up Mr. Atchinson. The rest of us followed on foot, viz.: Hunter, Mason, Goode, Breckenridge and myself. When we arrived we found the President in the library. He was standing and so were Douglas and Atchinson. I was struck by the cold formality which seemed to prevail.

"The subject was soon entered upon; but I do not propose to repeat what occurred further than this: The President said, 'Gentlemen, you are entering on a serious undertaking, and the ground should be well surveyed before the first step is taken.'

"The result of the conference is found in the Act of May 30th, 1854, organizing the Territory, and extending over it the Constitution and laws of the United States."—Philip Phillips' MSS., Library of Congress. I am indebted to Mr. Gaillard Hunt for a copy of Mr. Phillips' memorandum.

*"We cannot but regard the policy of the administration as directly involved in the question. That policy looks to fidelity to the

tion in the New York *Times* and the *National Era* of Washington of the appeal of the independent Democrats in Congress to the people of the United States.* Written some days before Douglas reported his Kansas-Nebraska bill, the appeal treated of the territory of Nebraska alone, opened with a description of its boundaries, called attention to its location in the very heart of the continent, and reminded the people that it was this vast and highly favored region, larger by 33,000 square miles than all the free States excluding California, embracing all the unorganized territory of the Republic save Indian Territory, fertile, well-wooded, the country through which must pass the Northern and central routes to the Pacific, and for thirty years considered as dedicated to freedom, that the bill proposed, without reason or excuse, in flagrant disregard of sound policy and plighted troth, to open to slavery.

The bill was branded as a gross violation of a sacred pledge, a criminal betrayal of precious rights, as part and parcel of an atrocious plot to shut from a vast, unoccupied region emigrants from the old world and the free States, and turn it into a dreary country inhabited by masters and slaves. In proof of this the history of slavery restriction was retold from the passage of the Ordinance of 1787 to the enactment of the compromise of 1820, and the constitutionality of the famous eighth section of the Missouri act was asserted and defended.

Appeals were next made to the friends of the Pacific Railroad, to citizens seeking homes in the West, to home-

Compromise of 1850 as an essential requisite in Democratic orthodoxy. The proposition of Mr. Douglas is a practical execution of the principles of that Compromise, and therefore cannot but be regarded by the administration as a test of Democratic orthodoxy.'' Washington Union, January 20, 1854.

* Preparation of the address was no secret. A correspondent of a Philadelphia newspaper, writing from Washington under date of January 18th, says, ''The Independent Democrats in Congress are preparing an address to their constituents on the bill.'' Philadelphia North American, January 20, 1854. It appeared in the New York Times of January 24 without the signatures and was copied by the Tribune. In the Evening Post of January 25 it appeared with the names of six signers, Chase, Summer, Giddings, B. Wade, Gerritt Smith, and Alexander DeWitt.

steaders, to the Germans, and to the Free Soilers for support. Let the bill become a law and no free labor would enter Nebraska, and the consequent increased cost of construction and the consequent diminished prospect of returns would be insuperable obstacles to the building of the railroad. Let the bill become a law and the expectation that a free, liberty-loving population from the old States would find homes in Nebraska would be futile. The blight of slavery would be on the land, and the homestead bill, should Congress pass it, would be worthless in Nebraska. Let the enlightened editors of German newspapers acquaint their readers with this fact. Let the bill become a law and the progress of free States westward would end forever, and the free States of the East would be cut off from those on the Pacific coast by a broad belt of slave-holding commonwealths stretching from the British possessions to the Gulf of Mexico. That these calamities might not happen the appeal called on the people to protest against this enormous crime by correspondence, through the press, by memorials, and by resolutions of public meetings and legislatures. A note, added just before the publication, touched briefly on Douglas' Kansas-Nebraska bill, offered on the twenty-third of January.*

Stung to the quick, Douglas, on the thirtieth of January, made a bitter reply, tore the appeal to pieces, lost his temper, and used language so coarse and vulgar that he was ashamed to see it in print and carefully revised his speech before publication.† Yet, despite what some of his hearers called his "senatorial billingsgate," ‡ his "intemperate vio-

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* The Appeal may be found in the Congressional Globe, 33d Congress, 1st Session, p. 281.

† "The published speech of Senator Douglas on the Nebraska bill is quite different from that which he delivered yesterday, a fact that would seem to indicate that he is ashamed of the original speech. The choice and classic terms which were scattered throughout his remarks were very judiciously excluded from publication." Philadelphia North American, February 2, 1854. Some specimens are given by this journal. See also New York Times, February 2, 1854, and New York Independent, March 16, 1854.

‡ New York Times, February 1, 1854.

lence," "more becoming a pot house than the Senate," * his speech was a great one for his cause.

The purpose of Douglas was not to declare openly and frankly in his bill that the slavery prohibition of the act of 1820 was repealed, but to claim that it had already been repealed by the compromise measures of 1850. From this position Chase sought to drive him, and early in February † opened an attack on the fourteenth section, which provided that the Constitution and all laws of the United States not locally inapplicable should have the same force within the territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, "which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is declared inoperative." He moved to strike out the words "was superseded by the principles of the legislation of 1850, commonly called the compromise measures and," so that the clause would read, "except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, 1850, which is hereby declared inoperative." When this was lost ‡ Douglas met the issue by moving to strike out the words "which was superseded by" and put in "which is inconsistent with," but on the following day, to silence some objections, he offered a more definite amendment in its stead. For the words he proposed should be stricken out he would now put in "which, being inconsistent with § the principles of non-intervention by Congress with slavery in the States and territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of the act not to legislate slavery into any State or territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their do-

* New York Courier and Enquirer. Letter of a Correspondent, Jan. 30, 1854.

† February 3, 1854.

‡ February 6, 1854. Congressional Globe, 33d Congress, 1st Session, p. 243.

§ Ibid., p. 343.

mestic institutions in their own way, subject only to the Constitution of the United States." This was carried by a vote of 35 to 10.* Chase now moved to amend this by adding the words "under which the people of the territories, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein." †

Walker pointed out that the repeal of the restriction laid on slavery in 1820 would revive the old French law legalizing slavery in all the Louisiana purchase. To quiet this fear Badger of South Carolina announced that as soon as the vote on Chase's amendment was taken he would move an amendment which should read, "provided that nothing herein shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the sixth of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery." Chase's amendment was lost, but that of Badger was carried,‡ and the bill, thus amended, was reported to the Senate, and at five o'clock on the morning of March fourth, after a session of seventeen hours, the vote was taken on its passage. The yeas were 37 and the nays 14. Five Senators did not vote, four others were absent, and there was one vacancy in the Vermont delegation and another in that from North Carolina.

A bill to organize Nebraska had been introduced into the House late in December, and on the last day of January Richardson reported from the Committee on Territories what was in substance the Kansas-Nebraska bill of Douglas, and this was still in Committee of the Whole when, on the seventh of March, the Senate bill came down for concurrence. On the twenty-seventh it was referred to the Committee of the Whole, where it slumbered till the eighth of May.

The whole North, from Maine to Wisconsin, was then in commotion. The appeal of the Independent Democrats had

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* February 15, 1854. Congressional Globe, 33d Congress, 1st Session, p. 241.

† Ibid., p. 241.

‡ March 2, 1854. Congressional Globe, 33d Congress, 1st Session, p. 520.

not fallen on dull ears. On the day Douglas made his attack on the signers of the appeal resolutions from Rhode Island condemning the Nebraska bill were presented to the Senate. Other free States followed, and out of ten whose legislatures were in session five declared against the repeal of the Missouri Compromise,* four kept silent, and but one approved. In Pennsylvania and New Jersey Democratic legislatures would not permit anti-Nebraska resolutions to come to a vote. Ohio laid them on the table. Illinois approved the conduct of her Senator. Of the slave-holding States none but Georgia, Mississippi, and Louisiana expressed opinions, and these were of hearty approbation. In Tennessee resolutions endorsing the Kansas-Nebraska bill passed the Senate, but were lost in the House, at the end of the session, for want of a quorum. So far as the South is concerned, it was said, something very like indifference is felt. Let the Nebraska bill be rejected and the South will sleep as sound at night as before.† A Southern editor declared he had never known such unanimity of sentiment at the North on any question affecting the rights of the South as there prevailed in opposition to the repeal of the compromise of 1820. From mass meetings, from political conventions, from anti-slavery societies, churches, presbyteries, ministers, and clergymen of every denomination, from yearly meetings of the Friends, from the clergymen of the Northwestern States,‡ from those of different denominations in and about the city of New York,§ from three thousand and fifty clergymen scattered over the New England States,¶ from men of all sorts and conditions, came to Congress hundreds of petitions, memorials, resolutions, remonstrances. "If the Evening *Post*," said the editor, "were three times as large as it is, and were published three times a day, we should still despair of finding room for anything like full reports of the spontaneous gatherings which are every day

* Maine, Massachusetts, Rhode Island, New York, and Wisconsin.
† National Intelligencer, March 15, 1854.
‡ Journal of the Senate, 33d Congress, 1st Session.
§ New York Independent, March 23, 1854.
¶ The Liberator, April 14, 1854.

held throughout the North and West." * Another journal estimated the number of large meetings held in the North, prior to the middle of March, to be two or three hundred.

Here and there the popular excitement took a more practical turn. At Wheeling late in March a public meeting was held to form a company for the purpose of emigrating to Nebraska. All who felt disposed to go were invited to come forward, and so many did that another meeting was called to perfect details.† At Chicago a Nebraska expedition, as it was called, had already been organized, over one hundred men had signed the roll, and the first of April had been fixed for the day of departure.‡ From St. Louis came the news that hundreds of men, women, and children had arrived there bound for Nebraska. Such was the rush that every boat in port was full before the sailing day. The *Sonora* had gone up the Missouri with every berth occupied and twenty persons sleeping on the cabin floor. The *Honduras* had gone off two days in advance of her usual time, and four steamboats from the Ohio had brought six hundred people from Pennsylvania, Kentucky, and Ohio on their way to Nebraska.§ At the close of an anti-Nebraska meeting in Worcester Eli Thayer called on his hearers to organize and make every effort and use every appliance to fill the vast and fertile territories with free men, with men who hated slavery and would drive it from the land whither they went to raise their homes.¶ So well was the idea received that he drew up the charter of The Massachusetts Emigrant Aid Company, found men who would serve as corporators, petitioned the legislature for an act of incorporation, and in April called an Emigrant Convention to meet at Worcester.|| Later in that month the charter was granted and sub-

* National Intelligencer, March 15, 1854.

† Meetings of March 20 and 23. National Intelligencer, March 31, 1854.

‡ Ibid., March 8, 1854.

§ National Intelligencer, March 20, 1854.

¶ Worcester Spy, March 13, 1854.

|| Worcester Daily Spy, March 21, 1854. Philadelphia North American, March 27, 1854. On April 18 some fifty delegates attended. They came from twenty towns in Massachusetts, Rhode Island and Connecticut and approved the colonization idea. Philadelphia North American, April 21, 1854.

scription books were promptly opened in Boston, Worcester, and New York. The purpose of the company was to raise money, buy land in Kansas, send out emigrants willing to settle, plant towns, equip them with schools and churches, grist-mills and saw-mills, steam engines and printing presses, and trust to these investments for a profitable return on the capital. But the charter imposed certain monetary obligations on the individual associates, and because of this was so strongly opposed that no organization under it was ever made. The business of the company for the time being was placed in the hands of three trustees, Eli Thayer, Amos Lawrence, and J. M. S. Williams, and in February, 1855, a new charter was secured and a new name, the New England Emigrant Aid Company, was taken.*

The press of the North meantime was vigorously denouncing the Nebraska bill. In some hundred newspapers which we have looked over, said a New York editor, the expression of indignant disapproval is almost unanimous. It is a perfect chain of condemnation.† Another found that in the State of New York thirty-seven "hard" and two "soft" newspapers supported, and thirty-eight "soft" opposed, repeal.‡ In Ohio forty-one were against and thirteen for it;§ in Indiana two were for it; in Illinois but one defended it;‖ in Wisconsin eleven were against the bill, and four Democratic journals were for it.¶

In the South a host of journals repudiated the bill as forsaking the position, long held in that section, that Congress had no power to meddle with slavery in any way anywhere. The Nebraska bill is a surrender of the very ground for which the South fought in 1850. Congress has no power to legislate slavery into nor out of a territory; but this bill gives to the people of the territory a power Congress does

* Thayer, The Kansas Crusade, pp. 25-30, 52-53. Spring, Kansas, p. 30.

† New York Evening Post, February 15, 1854.

‡ Albany Argus, Von Holst Constitutional History of the United States, Vol. 4 (1852-1854), p. 418, note.

§ National Intelligencer, March 25, 1854.

‖ New York Evening Post, February 20, 1854.

¶ Boston Atlas, February 21, 1854.

not possess. Southern support of such a position is a repudiation of that of 1850.* Will the South forego the principle she fought for in 1850, the principle that neither Congress nor a territorial legislature may abolish slavery in any territory of the United States? Let her once admit that a territorial legislature may abolish slavery and the slaveholding area is settled.† Who wants the Missouri Compromise repealed? For two months there has been a deal of thunder about it in Congress, but here not the slightest excitement. On the public mind it has produced about as much ripple as a buckshot would if dropped from a bridge into the Cumberland River.‡ The repeal of the Missouri Compromise cannot benefit the South. Nebraska is the only unorganized territory to which it is applicable, and is not an inviting field for slave labor. We wish the introduction of the slavery question into Congress was punishable with expulsion.§ What do we gain? What but the mere right to take slaves into Nebraska, a right we would never use? ‖ The act organizing Utah and New Mexico forbids all territorial legislation on slavery and all action on the matter till the people are ready to form State constitutions. The Nebraska bill abandons this; it goes back on the Georgia platform.¶

In this excited state of the public mind the struggle over Kansas-Nebraska opened in the House, and on the morning of May eighth Richardson of Illinois, just after the journal had been read, moved that the rules be suspended and that the House go into Committee of the Whole on the state of the Union, in order to take such action as was necessary to reach the bill for the organization of Nebraska and Kansas. The anti-Nebraska members at once began to filibuster, but the motion was adopted, and one by one eighteen bills were taken up and laid aside before House Bill 236 was reached

* Warrenton (Va.) Flag, quoted by National Intelligencer, April 8, 1854.

† Alexandria Gazette, April 8, 1854.

‡ Nashville Banner, April 7, 1854.

§ Texas Advertiser, quoted by National Intelligencer, April 18, 1854.

‖ Western Citizen (Kentucky), April 21, 1854.

¶ Montgomery Journal, April 8, 1854.

by the committee. As a substitute Richardson then offered the bill from the Senate with the provision restricting land-holding to citizens left out.* Debate on it occupied the sittings of May ninth and tenth. On the morning of Thursday the eleventh Richardson moved that all debate cease at noon on the twelfth. Then the storm burst, and the session so begun continued without interruption all day Thursday, all Thursday night, all the next day, and till almost midnight on Friday, a period of nearly six and thirty hours. Every expedient that could be used was used to prevent a vote. But the strain was too great, and about eleven o'clock on Friday night the leaders of the two sides agreed that an adjournment should be moved.

When Tuesday came the special order on the Pacific Railroad bill was laid aside and the debate was allowed to run till Saturday, when, as had been agreed, it closed and filibustering by offering amendments began. On Monday the twenty-second of May Alexander H. Stephens took control and moved to strike out the enacting clause of the bill. This was done, and the committee rose and reported. The House then refused to concur. This brought the bill before the House. Richardson then moved the Senate bill as a substitute, and Stephens, as he afterward said, "took the reins in hand, applied whip and spur," and drove it through by a vote of one hundred and thirteen to one hundred.

The Clayton amendment having been stricken out, the bill now went back to the Senate, which passed it, and on May thirtieth Pierce signed and made it a law. The final blow, said a Washington journal, was inflicted on the venerable Missouri Compromise on Thursday night last, and the ancient Pacificator of the Country, the Hater of Discord, the Friend of the Union, was dispatched in the Senate House a little after midnight. Had it been demanded by any section, public meeting, association, county, town, or hamlet in the whole country, the sacrifice might be justified. But it was uncalled for, unnecessary.†

* Congressional Globe, 33d Congress, 1st Session, Vol. 28, Pt. 2, pp. 1130-1133.

† National Intelligencer, May 27, 1854.

The South in general heard of the repeal with indifference; but some murmurs of displeasure were audible. The great agony, said the Georgia *Union,* is over. We trust the South is satisfied. As for the North, we heartily believe she has achieved a triumph if her people have the good sense to see it. But the question is settled and now, after all this fire, fury, and rant of politicians big and little, North and South, we shall see what we shall see.* The long agony over, said a Charleston journal,† we presume some attention will be paid in Congress to the business of the country. It is a measure, said another South Carolina newspaper, which will scarcely ever benefit the South.‡ A Southern gentleman, writing from Beaufort, was surprised at the absence of political feeling in the State. He had not heard the name of Nebraska mentioned since he landed at Charleston. The people appeared utterly indifferent to the fate of the bill.§ Another, who traveled over Virginia, declared that Whigs and Democrats alike expressed regret that the Missouri Compromise had been repealed.¶ Save by a few leading papers that always echo any note struck at Washington, said a New Orleans journal, there has been no general discussion of the Nebraska bill in the South. Neither people nor press appear to care anything about it.‖ The people look on it with calm indifference, the Macon *Messenger* explained, because it is simply an effort to resist encroachment on their rights in the common territory and to set up the great principle of non-intervention with slavery.**

While the telegraph was spreading over the country the news of the passage of the bill by the Senate, an occurrence

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* Georgia Union, May 27, 1854, quoted by the National Intelligencer, June 1, 1854.

† Charleston Mercury, quoted by the National Intelligencer.

‡ South Carolinian, May 30, 1854.

§ National Intelligencer, June 2, 1854.

¶ Philadelphia North American, June 21, 1854, quoting the National Intelligencer.

‖ New Orleans Bulletin, quoted by the National Intelligencer, June 1, 1854.

** National Intelligencer, June 7, 1854. Like evidence is cited by New York Tribune, June 5, 1854; New York Courier and Enquirer, May 31, 1854.

at Boston made the triumph of the South still more complete. On the evening of May twenty-fourth a runaway slave named Anthony Burns was arrested on a warrant issued by Commissioner Loring and confined in the court house till morning. So quietly was it done that no newspaper heard of the arrest, and the examination was well under way before the Commissioner when Richard H. Dana, Jr., who happened to pass the court house, heard of the trial, entered, and offered his services to Burns as counsel. The news was then spreading fast, and other friends of the slave appeared, among whom were Theodore Parker and Charles M. Ellis. Dana and Ellis, as counsel for Burns, asked for a postponement of the trial till Saturday the twenty-seventh, a request which the Commissioner granted.* Every hour now added to the popular excitement, every means of inflaming the popular mind was used, and on Friday evening a little party of white men and negroes, led by Thomas Wentworth Higginson, broke into the court house and in the fight which followed one of the Marshal's men was killed and Higginson cut with a saber. The city watch then charged the mob and the attack failed. That night marines were brought up from the Navy Yard, troops from Fort Independence, and some regiments of Boston militia were furnished by the Mayor. In the morning the court house looked, it was said, like a beleaguered fort. Troops and marines peered from every window, all avenues of approach were guarded by constables, and militia and police were scattered about the square. The examination of Burns was soon postponed till Monday. During this interval an attempt was made to buy his freedom for twelve hundred dollars, but failed, and hand bills were posted.

On Monday morning, in the midst of great popular excitement, the examination was resumed and continued day after day till the Commissioner ordered that Burns be restored to his owner. To take him to Virginia by land would have been almost impossible. The President, therefore, placed at the service of the Marshal a revenue cutter, and

* C. F. Adams: Life of R. H. Dana, Vol. 1, p. 265; New York Tribune, May 26, 1854.

to this Burns was taken one afternoon in June. Business on that day was generally suspended, flags were hung with the union down, houses along the route draped in mourning, and fifty thousand people looked on as the fugitive slave, surrounded by a posse armed with cutlasses and pistols and protected by troops and marines of the United States, made his way to the wharf through streets guarded by twenty-two companies of militia. As the steamer that was to bear him to the cutter waiting down the bay cast loose, a minister, turning to the angry crowd, said, "Let us pray," and in the midst of profound silence called on God to be merciful to the poor slave and the recreant republic.

In the North Douglas was hated with a bitterness which found no parallel in our history save in that felt for Benedict Arnold. Indeed, as his name was Stephen Arnold Douglas, those who hated him found a close likeness in the careers of the man who betrayed his country and the man who betrayed the North. One morning late in February, therefore, an effigy was found hanging at the top of the flag staff on Boston Common. On its breast was an inscription, "Stephen A. Douglas, the author of the infamous Nebraska bill; the Benedict Arnold of 1854." * Another soon appeared hanging from a tree in one of the chief streets of Portsmouth.† A third in Auburn was inscribed, "Stephen Arnold Douglas, hung for treason." ‡ After the passage of the bill, and in the midst of the excitement over the trial of Anthony Burns, Douglas, Pierce, Hallet, and Loring were hanged in effigy at Westfield, Massachusetts. A public funeral was then accorded each effigy, save that of Douglas, which was burned.§ One hundred and three women living in a little village in Ohio sent him thirty pieces of silver.‖

The passage of the Kansas-Nebraska bill left the party leaders in the free States divided in their opinions as to

* Philadelphia Ledger, March 1, 1854.
† Ibid., March 15, 1854.
‡ Ibid., March 25, 1854.
§ New York Tribune, June 12, 1854.
‖ Liberator.

what was best to do. But the people in the free States had already made up their minds, and a call for a new and distinctly Northern party was sweeping over the land. In February, while the bill was still in the Senate, the people of Ripon, Wisconsin, assembled, irrespective of party, in mass meeting, resolved that if the bill passed they would throw old organizations to the wind, form a new party, and make non-extension of slavery the issue. At a second meeting the Whig and Free Soil committees were dissolved and a fusion committee of three Whigs, one Free Soiler, and one Democrat was formed, and the name Republican was proposed for the new party.*

At a great anti-Nebraska Democratic meeting at Cincinnati on the last day of March it was resolved to vote for no candidate for Congress who would not in a public and explicit manner declare unqualified hostility to the Nebraska bill, and promise to vote for its repeal should Congress be mad enough to violate the wish of the people by making it a law.† The Democracy of Highland and Paulding Counties, Ohio, repudiated the nominees of the Democratic convention of the eighth of January.‡ The Kalamazoo *Telegraph* called for a Young Men's Independent State Convention to make independent nominations for the coming campaign without regard to the old party issues, and the Marshall *Statesman* and the Coldwater *Journal* approved.§ The Pittsburg *Gazette* wished Congressmen nominated who were opposed to the repeal of the Missouri compromise and without regard to old party distinctions.¶ On the morning of the day after the passage of the bill some thirty members of the House of Representatives met, debated the situation, concluded that a new party ought to be formed, and agreed that it should be called Republican.|| Whigs in Vermont assembled in a party state convention,** invited all free men

* Wilson. Rise and Fall of the Slave Power, Vol. 2, pp. 409-410.
† National Intelligencer, April 1, 1854.
‡ Ibid., April 6, 1854.
§ New York Tribune, May 3, 1854.
¶ Ibid., May 30, 1854.
|| Wilson. Rise and Fall of the Slave Power, Vol. 2, pp. 410-411.
** June 6, 1854.

of Vermont and all people of other States to join in resistance to the spread of slavery, and, should a national convention be called for that purpose, to send delegates. The Kansas-Nebraska bill having become law, the Cleveland *Herald* proposed a mass State convention in Ohio, to meet on June seventeenth, July fourth, or July thirteenth, a day made memorable by the passage of the Ordinance of 1787, which made the old Northwest free soil.* The Milwaukee *Free Democrat* called for a people's mass convention in Wisconsin, on July thirteenth, of friends of the Missouri compromise, and anti-Nebraskans.† The call was endorsed by journals over all the State, and was published at the heads of their columns.‡ In Vermont a like summons went forth, and on July thirteenth meetings were held in Vermont, Ohio, Indiana, and Wisconsin. Those in Vermont and Wisconsin urged all friends of freedom to co-operate and be known as Republicans. In Michigan the Detroit *Tribune* urged the breakup of the Whig and Free Soil parties, secured the withdrawal of the Free Soil ticket, and a call signed by ten thousand hands for a mass convention and organization of the opponents of slavery extension as a new party. July sixth the convention met at Jackson, framed a platform, nominated candidates, and accepted the name Republican.§ A Whig state convention in Maine recommended that all anti-Nebraska men lay aside every prejudice, forego for the time being every difference of opinion on other matters, and work for the election of Congressmen who would be true and faithful in the coming struggle between freedom and slavery.¶ The straight out Whig party in Maine, said a Whig journal in reporting this action, is dead.‖ There are, said a Philadelphia newspaper, but two parties. One is the Democratic; the other is the Opposi-

* New York Tribune, June 14, 1854.

† Ibid.

‡ Ibid., June 21.

§ The platform demanded restoration of the Missouri Compromise line, repeal of the fugitive slave law, abolition of slavery in the District of Columbia. Washington Union, July 12, 1854.

¶ Washington Union, July 7, 1854.

‖ Portland Advertiser.

tion. Other names supersede that of Whig. Like an old garment, it has served its day, and every little faction once banded under it is now setting out for itself.* The shattered hosts of the opposition in the Northern and Western States are laboring to combine all their factions into one grand coalition. Every "issue" is to be incorporated into the new opposition platform. Abolitionists, Free Soilers, Socialists, Know Nothings, Woman's Rights advocates, higher law devotees are each to have a plank. The only common bond is hatred of the present order of society.† The ties between the Whig party of the North and of the South have been sundered, and such a thing as the National Whig party does not exist. The two wings have parted on the issue of extension of slavery. Between them there is now a great gulf fixed.‡

While a part of the Whigs were thus being fused with Free Soilers, Free Democrats, and anti-Nebraska men into the new Republican party, a much larger part were drawn into the ranks of the secretly working Know Nothings. By the first of May, 1854, the order had spread into half a dozen States, and was astonishing the people by electing unheard-of candidates. At Lancaster two men not known to be running for any office were elected by six hundred majority over the regular Union ticket. Those who were defeated were Catholics.§ At Waltham, Massachusetts, the Know Nothings elected their full ticket. Nobody could tell where it came from, who printed it, or by whom or where it was made up. Just before election an obscure notice was posted calling on certain persons, nobody knew who, to meet at a certain place, nobody knew where.‖ But it was by means of odd-shaped pieces cut from the notice that the initiated were informed. At Washington a citizen warned voters that the Know Nothings had organized in that city, had their own candidate for Mayor, and were "untraceable," unseen,

* Pennsylvanian, July 17, 1854.

† Washington Union, July 13, 1854.

‡ Springfield Republican, quoted by the Union, July 6, 1854.

§ Philadelphia North American, May 13, 1854. Boston Traveller, quoted by National Intelligencer, March 23, 1854.

‖ National Intelligencer, May 25, 1854.

and unknown beyond the mystic tie that formed the brotherhood.* In Philadelphia meetings were called by written notices. Thus, 6-15-8 meant sixth month, fifteenth day, eight P. M. The place was written backward, and if the meeting was urgent a square bit of white paper folded diagonally was inclosed. Sometimes the call was made by posting on a lamp-post, sign-post, or street corner a piece of white paper three inches square folded diagonally, and then opened out so as to show the crease. Something is in the wind to-day among the secret societies, wrote a New York City correspondent. A black diamond-shaped piece of paper is pasted about the city, which means the Know Nothings are to have a meeting this evening. Nobody knows where these people meet, and little is known about their organization.† In June the Know Nothings elected the Mayor of Washington, the Mayor, Solicitor, Comptroller, and majority of the Councils of Philadelphia, and their municipal tickets at Kingston, New York, and Norfolk, Virginia. At St. Louis the party is said to have been organized some time in June, and politicians thought it might cast seven hundred votes. When the election was over the people were amazed to find that over four thousand Know Nothing votes had been cast in a total poll of eleven thousand nine hundred. The name of every alien and of every Catholic was stricken from the Whig and Democrat tickets. A special election for an Alderman was held at Atlanta, Georgia. On the morning of election day there was but one candidate before the voters. In the evening it was found that he was defeated and that a man who had never sought the office, had never been presented as a candidate, was elected by one hundred and twenty majority. A like surprise awaited the people of Alleghany, Pennsylvania, where a Councilman was to be elected. Two candidates were in the field when the polls closed; one had received forty-three votes, the other twenty-three, and a man nobody knew was running for the office eighty-four votes.‡

* Pennsylvanian, July 31, 1854.
† Philadelphia Ledger, March 25, 1854.
‡ New York Tribune, August 22, 1854.

That the order was spreading rapidly in every direction was beyond doubt. A dozen reasons account for this popularity. Secrecy has a potent charm for some. Thousands joined out of sheer curiosity to "see Sam," as the phrase went. Sincere and honest men became Know Nothings in hope that the party might really find a remedy for the intolerable evils of the ignorant foreign vote. Politicians great and small, who once labored under the old Whig banner, and now beheld that party in ruins, gladly cast their lot with what seemed to be the party of the future. Patriots who really believed American institutions were threatened by what they called the insidious wiles of foreign influence; old Nativists who held that Americans should rule America and saw with dread the steady stream of immigrants that month after month came to our shores, all found in the Know Nothing creed something entitled to their support. Racial hatred played its part in furnishing recruits; yet withal the movement was the work of politicians, and in no sense a great popular uprising to reform real abuses and correct serious wrongs.

In Maine the party had few followers, and there the struggle was between Whigs and Democrats, Republicans and the anti-liquor law or rum party, as it was called. The Republicans carried the legislature. In Vermont the Fusion ticket was elected. Pennsylvania, Ohio, and Indiana were October States. In Pennsylvania the Whigs, Know Nothings, and Free Soil Democrats, who withdrew their ticket in opposition to the Kansas-Nebraska act, elected a Whig Governor and sent fifteen anti-Nebraska Whigs, a Native American, and five anti-Nebraska Democrats to Congress.* Still more signal was the victory in Ohio, where the anti-Nebraska men rolled up a majority of seventy-five thousand and sent a solid delegation to Congress.† In Indiana all the Congressmen save two were anti-Nebraskans.‡ Illinois, despite the efforts and speeches of Douglas, was lost to the Democrats, for the anti-Nebraska men elected five of

* New York Tribune, October 15, 1854.
† Ibid.
‡ Ibid.

the nine Congressmen, and a majority of the legislature, which in time sent Lyman Trumbell, an anti-Nebraska Democrat, to the United States Senate.* The Democrats elected their candidate for State Treasurer.

Nowhere was the contest so exciting and so close as in New York. Each party in the State was broken into factions. There were Hard Shells, Soft Shells, Half Shells, Wooly Heads, Silver Greys, Temperance Men, Know Nothings, and Hindoos, a wing of the Know Nothings, so called because their candidate, Ullman, was falsely said to have been born in India;† there were the Republicans, the anti-Renters, the City Reformers, the Liquor Dealers' Association, the United Americans, and the German Democrats. From this medley of parties came five tickets;‡ but the Seward Whigs supported by the Temperance and anti-Nebraska men carried the day, elected the State ticket, and twenty-seven of the thirty-three Congressmen.§ In Massachusetts the Know Nothings swept the State and elected the Governor, the entire delegation to Congress, and the legislature, which sent Henry Wilson, the Republican candidate, to the United States Senate. In Delaware the Governor and the member of Congress were Americans.¶ In Baltimore the Know Nothings elected the Mayor and a majority of both branches of the City Councils. Nine States and sixty-two seats in the House of Representatives were lost by the Democrats.

Such was the response of the North to the repeal of the Missouri Compromise, to the Kansas-Nebraska legislation. But the fruits of the victory were all but lost for want of

* One of the Anti-Nebraska men elected to the legislature was Abraham Lincoln. But he resigned to become a candidate for United States Senator, and then the Democrats captured his seat. New York Tribune, Dec. 30, 1854. During the campaign Lincoln answered Douglas in speeches at Springfield on October 4 and at Peoria, October 16.

† An excellent account of the Know Nothing campaign is given in Scisco, Political Nativism in New York State, pp. 108-127.

‡ Hard Shell Democrats; Soft Shell Democrats; Free Democrats and Republicans; Know Nothings and Silver Greys; Wooly Heads (Seward Whigs), Temperance, Anti-Nebraska.

§ Official returns, New York Tribune, December 26, 1854.

¶ Philadelphia Ledger, November 17, 1854.

a truly able Northern leader to weld the anti-slavery factions into one great party.

While the returns were still being canvassed, a territorial delegate was chosen in Kansas. At the time of the passage of the bill neither territory was open to settlement. Nevertheless, men from Missouri went into both by hundreds, picked out quarter sections that suited them, and established what they called a claim by blazing a few trees, or placing a few logs in the form of a partially completed log cabin. While the bill was still before the Senate a mass meeting of these claimants organized an association, elected a Register, bade him enter and describe each claim in a book, and have it signed by witnesses, authorized him to receive fifty cents for so doing, and pledged the association to protect the claimant.* Ere Pierce signed the bill seven hundred and thirty emigrants passed through Cincinnati bound for Nebraska, and a week later a company of six hundred from Ohio reached Chicago.† As soon as it was known that the bill had passed a steamboat from Weston "went plowing up the Kansas River" to the heart of the Territory, and a weekly line was opened between Weston and Fort Riley.‡ Now is the time, said a Parkville newspaper, to make claims. The country is swarming with emigrants. Men on horseback, with cup and skillet, ham, flour, and coffee tied behind them, and axe on shoulder, are hurrying westward, companies with flags flying are staking out the prairies, trees are falling, tents are stretching, cabins are going up, and everybody is alive and wide awake. Hurrah for Kansas! Westward the star of empire takes its way.§ The great road lately built up the Kansas River was thronged with explorers. They were equipped, writes one who saw them, with camping furniture, axes, hatchets, butcher and bowie knives, guns, and pistols. Every one was armed to the teeth, and a more daring, resolute, reckless set of men we have scarcely ever seen. Each man

* St. Joseph Gazette, May 10, 1854.
† National Intelligencer, June 12, 1854.
‡ Weston Reporter, June 15, 1854.
§ Industrial Luminary, Parkville, June 13, 1854.

seemed to say, by his airs and gait, I am able single-handed and alone to vindicate my rights against all comers.*

The general understanding along the border was that pro-slavery men should go into Kansas and leave Nebraska to be settled by Free Soilers from the North. When, therefore, it was known in the frontier towns of Missouri that the Massachusetts Emigrant Aid Company was about to pour a stream of Free Soilers into Kansas, political leaders sought to rouse the people to declare that the abolitionists must be kept out. Said the Weston *Argus,* the organ of Atchison and Stringfellow, the abolitionists will probably not be interfered with if they settle north of 40 degrees; but south of that line and into Kansas territory they need not set foot. It is decreed by the people who live hard by that their institutions are to be established in Kansas.

Three popular meetings were accordingly held in quick succession. Those gathered at Westport declared they had heard that in the Northern States a movement was on foot to colonize Kansas with a view to discourage emigration from the Southern States, and especially slave emigration from Missouri and Arkansas. As slave owners, intending to go into Kansas with their slaves, they resolved, therefore, to form a Society of Missourians for Mutual Protection, and invited all well-disposed persons, especially citizens of the slave-holding States, to unite with them. Lest there should be any interference with their domestic concerns by certain organized bands soon to be precipitated on them, they notified such that they would meet with the last argument all who might in any way molest them; and called on the citizens of the border counties of Missouri to organize with that end in view.† A meeting at Independence endorsed the Westport resolutions, appointed a Vigilance Committee to watch over the rights of Southern emigrants in Missouri, chose a Committee of Correspondence to furnish information about Kansas, and called on the people of Buchanan, Platte,

* Presbyterian Herald, Louisville, quoted by New York Tribune, August 10, 1854.

† National Intelligencer, June 22, 1854. The Westport meeting was held June 3 and that in Independence June 5.

and Clay Counties to organize and help resist the wave of fanaticism which threatened to break on their border. All who would go to Kansas were asked to meet at Fort Leavenworth and there arrange for protection. A Democratic journal at Independence asserted that the meeting and the resolutions were the work of demagogues, and that not one man in twenty approved.* Nevertheless, on the tenth of June some three hundred men from Missouri and Iowa met in convention at Salt Creek, three miles west of Fort Leavenworth, formed an association to regulate and protect claims, ordered that intending settlers must register their claims within two weeks, or forfeit them, that the one hundred and sixty acre plots must be clearly staked out and a cabin or a tent erected, that when the territory was opened to settlement the claims must be occupied, and that protection should be afforded to no abolitionist.†

Yet another organization, calling itself the Platte County Self-Defensive Association, at Weston resolved that it held itself in readiness to remove any or all emigrants who came there under the auspices of the Northern Emigrant Aid Societies, and urged citizens of the counties bordering on Kansas to adopt a similar "regulation." ‡ At a later meeting it was resolved that the members would trade with none but their friends, and advised merchants to make their purchases in slave-holding States. Each merchant in Weston was then required to sign a pledge not to buy save in accordance with the resolution. This was going too far, and a few weeks later the merchants of Weston met and repudiated the Self-Defensive Association.§

Fort Leavenworth, it was believed, would be the seat of territorial government, and, eager to be first on the ground, two citizens of Missouri, without waiting for a treaty to be made with the Delawares, pre-empted three hundred and

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* Agrarian, quoted by National Intelligencer, June 27, 1854.

† Parkville (Mo.) Luminary, quoted in Philadelphia North American, June 22, 1854; St. Louis Republican, June 19, 1854.

‡ Meeting of July 20, Platte County Argus, quoted by New York Tribune, August 26, 1854.

§ A Journey Through Kansas. C. B. Boynton and J. B. Mason, p. 26.

fifteen acres of land lying along the Missouri River a mile and a half below Fort Leavenworth. Associating with themselves thirty citizens of Weston and several officers of the army at the Fort, they laid out a town, called it Leavenworth, and asked the sanction of the General Land Office.* Citizens of Missouri in mass meeting at Weston protested, and called on the commanding officer at the Fort to explain why he allowed certain persons including officers to lay out the town on the Indian lands.† He replied that he could not interfere, and sent a copy of his orders,‡ and the committee appointed at the meeting at once announced through the press that the Delaware lands were open to settlement, and called on Missourians not to lose the best part of Kansas to "the thieves and paupers to be exported from the sinks of abolitionism by Blair and Thayer." § The Indian agent informed the public that the lands were not open to pre-emption or occupation.¶ But the work at Leavenworth went on, a sale of lots was held in October, and when the year closed the town boasted of a hotel, a saw mill, a smithy, a printing office, some houses, and several hundred inhabitants.‖

One who saw Leavenworth in the late summer said of it: "There was one steam engine, naked as when it was born, but at work sawing out its clothes. There were four tents, all on one street, a barrel of water or whiskey under a tree, and a pot on a pole over a fire. Under a tree a type-sticker had his case before him and was at work on the first number of the newspaper." ** The editor of the newspaper, the Kansas *Weekly Herald,* in the first number, remarks: "All the type were set under an elm tree in the city of Leavenworth. Ourselves and our compositors have been,

* Executive Documents, 33d Congress, 2d Session, No. 50, pp. 93-95.

† Ibid., pp. 14-16.

‡ Executive Documents, 33d Congress, 2d Session, No. 50, Vol. 5, pp. 16-17.

§ Ibid., p. 13; Missouri Republican, July 31, 1854.

¶ Ibid., p. 27.

‖ Kansas Weekly Herald, September 15, 1854.

** A journey through Kansas, with sketches of Nebraska. C. B. Boynton and T. B. Mason, of the Committee sent out by the Kansas League of Cincinnati, pp. 23, 24.

like the patriarchs of old, dwellers in tents for two weeks past. We have packed wood, built fires, cooked, fought mosquitoes, slept on prairie hay on the ground, and superintended the erection of a building for an office. Our editorials have been written and our proof corrected while sitting on the ground with a big shingle for a table." *

In the East during the spring Thayer was laboring in behalf of his scheme with unflagging zeal. He visited New York City, secured the support of Horace Greeley to "The Plan of Freedom," and began to organize an Emigrant Aid Company.† The example thus set was followed elsewhere. The Union Emigrating Company was formed at Washington, and some thirty Congressmen subscribed fifty dollars each.‡ There was a Kansas Emigration Society in Ross County, Ohio, in Worcester County, Massachusetts, in New Haven, in Indiana County, Pennsylvania,§ at Oberlin College, in Richmond County, Ohio, in Mansfield, and in Norwalk; a Kansas League in Cincinnati, and a Kansas League, the American Settlement Company, and the Western Emigration League in New York City, and like associations in many other places.

On July seventeenth the first company, twenty-nine in number, sent out by the Massachusetts Emigrant Aid Company, left Boston, went by train to Buffalo, and thence to St. Louis and Kansas, and pitched their tents on the south bank of the Kaw River on the site of what later became the town of Lawrence. In September a second party, sixty-six in number, left Boston. At Albany twenty-five men from New York joined it, and ere Kansas was reached the party was composed of one hundred and fourteen members. To the little collection of tents on the banks of the Kaw were now added grass-thatched huts and mud-plastered log cabins, and the place was formally named Lawrence. Four more parties were hurried forward ere winter came, by which time

* Kansas Herald, September 15, 1854. This was the first issue of the first newspaper in Kansas.

† Thayer, Kansas Crusade, pp. 48-51.

‡ Philadelphia North American, June 23, 1854.

§ Philadelphia Ledger, August 12, 1854.

the Emigrant Aid Company had placed six hundred settlers in Kansas.*

They were not the only newcomers. Other leagues and societies now made their contributions, and hundreds came of their own accord. Letters from men on the spot declared that emigration was so rapid that it seemed as if ten thousand people were moving into Kansas. Five hundred crossed the ferry at Weston one June day, and almost as many on another, and all the roads were full of emigrants.† It was sheer nonsense, a correspondent wrote to his newspaper, to talk about Kansas or Nebraska becoming a slave State. There were ten emigrants from the North to one from the South. A local newspaper boasted that every boat up the Missouri brought fresh throngs of pioneers, and that scores on foot, on horseback, with horses, wagons, and hogs were crossing every day at all the ferries of the Missouri River.‡ That they would make Kansas a free territory was confidently believed. As the newcomers spread over the eastern part, little settlements sprang up along the banks of the rivers, or where the principal streams were crossed by the overland routes to Oregon, California, and Santa Fé.

While the squatters were thus rushing into Kansas, the President appointed the officials for the two Territories. For Governor of Kansas the choice fell on Andrew H. Reeder of Pennsylvania. The chief justice was Samuel Dexter Lecompte, a name which the course of events made well known to the country. The territorial secretary was Daniel Woodson, and the Marshal John B. Donaldson.

Reeder reached Leavenworth in October and, accompanied by the judges, the Attorney-General, and the Marshal, made a tour of the settlements. At Fort Riley he was shown the site for the town of Pawnee to be laid out by an association composed of the settlers and officers at the Fort, and, with members of his party, Reeder became a stockholder.

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* The Kansas Conflict, Charles Robinson, p. 91.

† Glasgow (Mo.) Times, quoted by Philadelphia Ledger, July 6, 1854.

‡ Kansas Herald, September 22, 1854.

The squatters were then clamoring for the election of a legislature; but before that could be done a census must be taken and districts laid off and representation apportioned. This would consume much time, so the Governor decided that the first election should be for a delegate and should be held on the twenty-ninth of November. The candidates were John W. Whitfield, an Indian agent and strong pro-slavery man, Judge J. A. Wakefield, an ardent Free Soiler, and Robert P. Flenniken, who had come out with Reeder, was an administration Democrat, a fierce believer in squatter sovereignty, and full of ambition and political theories. So great was the number of pro-slavery squatters in Kansas that they could without aid have given Whitfield a good plurality. But they were not left to themselves.

The stories told of the doings of the Emigrant Aid Society, and of the intention of the North to pour settlers into Kansas and make it a free State, aroused all western Missouri, and led to the formation of a great secret society called by different names in different places, but everywhere bent on putting slavery into Kansas. Here it was the Social Band; there it was the Blue Lodge; elsewhere the Sons of the South. Members were known to each other by grips and signs and pass words, were bound together by secret oaths, and on the day before the election came by hundreds into Kansas, scattered among the settlements, and on election day voted.

At Leavenworth there were three or four houses; but the men of Platte, Ray, and Clay Counties, Missouri, came over, camped in tents and wagons, took possession of the polls, cast three hundred and twelve votes, and then went home. At Douglas there might have been thirty-five residents. But the Missourians who came there cast two hundred and twenty-six fraudulent ballots. A settlement called "110" was some seventy-five miles from the Missouri border; yet even that was visited and six hundred votes polled. A traveler who was at Westport declares that during the Sunday before the election Missourians in bands of from ten to thirty, riding in buggies, in wagons, on horseback, and on mules, passed through the town. On Monday the whole

male population, doctors, lawyers, merchants, editors, loafers, went off to "110" with every kind of vehicle that could run on wheels, and every horse or mule that could stand on legs.*

The result was the election of Whitfield.† For this the Emigrant Aid Associations were blamed. Had these agitators remained quiet, said a St. Louis newspaper, Kansas would in time have become a free State. But this did not suit their purposes. Kansas must not only be free, but must be settled by abolitionists, by negro thieves. Not content to let the stream of emigration take its natural course, they must force it into an unnatural channel. The contest between the pauper emigrants shipped at so much a head from Boston and the honest squatters in Kansas involved the very life of Western Missouri, and we have no doubt that hundreds of the yeomanry have gone over and squatted in Kansas who never would have thought of leaving Missouri had it not been for the Emigrant Aid Societies.‡ Like sentiments were expressed by the western correspondents of several Eastern journals.§ Up to September last, an emigrant wrote from Douglas City, there was no excitement in the territory on this question. · Everybody here and in Missouri believed that Kansas would be a free State. But no sooner did the Emigrant Aid Company colonists appear than all the river counties in Missouri, Andrew, Holt, Buchanan, sent over thousands of young men to defeat their treasonable schemes.|| What, it was then asked, has become of the thousands of emigrants said to have been forwarded by the Kansas leagues? The most plausible answer was, they did not vote.

The delegate to Congress having been elected, it became the duty of the Governor of Kansas to order a census of population that he might establish districts for the election of representatives to the territorial legislature. From the

* New York Tribune, December 12, 1854.

† Wakefield received 249, Flenniken 305, and Whitfield 2,268, of which 1,729 were fraudulent votes, cast by men from Missouri.

‡ St. Louis Pilot, New York Tribune, December 30, 1854.

§ Cleveland Herald and Philadelphia Ledger.

|| Philadelphia Ledger, December 8, 1854.

returns it appeared that eight thousand five hundred and one persons were living in Kansas, and that the qualified votes were not quite twenty-nine hundred in number. Districts were next marked out, voting places chosen, and March thirtieth, 1855, was appointed as the day for the election of the thirteen members of the territorial Council and twenty-six members of the House of Representatives.

Again the election was a farce. Again the Missourians came in organized bands with cannon, guns, pistols, and bowie knives, with wagons, banners, tents, and provisions, camped near the voting places, took possession of the polls, and went home declaring they had made Kansas a slave-holding Territory.* In Missouri the Democratic press sent up a shout of joy. Come on, Southern men, said one, bring your slaves and fill up the territory, Kansas is saved. Abolition is rebuked, her fortress is stormed, her flag is dragging in the dust. Kansas has proved herself S. O. G., which meant Sound on the Goose.† It is to be hoped that the question is now settled forever in that territory. The fanatical propagandists of the North have received a lesson in the Southern political alphabet, and they will do well not to push their inquiries any further.‡

Reeder allowed four days for the receipt of protests before declaring the result of the election. The time was too short. Many of the voting places were far removed from his headquarters on the Missouri. Yet, short as it was, protests came from six, and in these Reeder ordered new elections on the twenty-second of May. For this he was roundly abused. We have just learned, said a pro-slavery newspaper, that Reeder will not give certificates to four councilmen and thirteen members of the House. This infernal scoundrel will have to be hemped yet.§

At the foot of an affidavit attached to the Leavenworth

* Missouri Republican, March 31, 1855. New York Tribune, April 9, 1855.

† Richfield (Mo.) Enterprise, April 2, 1855. Robinson, The Kansas Conflict, p. 112.

‡ Independence (Mo.) Messenger. Robinson, The Kansas Conflict, p. 113.

§ Phillips, The Conquest of Kansas, p. 86.

protest was the name of William Phillips. Because of this act he was denounced by a Leavenworth meeting as a moral perjurer and ordered to leave Kansas.* He refused to go, was seized by a mob, taken to Weston, stripped, shaved on one side of his head, tarred and feathered, ridden on a rail, and sold at auction "by a big buck nigger" and "brought the enormous sum of one cent and a half." The purchaser, hearing the true character of Sambo, gave him his freedom.† Not only Free Soil men but Free Soil presses and churches now became objects of popular wrath. At Parkville was published a newspaper called the Industrial Luminary, which had protested against the late raid into Kansas. A mob from nearby towns visited Parkville, held a meeting, and resolved that the *Luminary* was a nuisance; that its editors were traitors; and that, if three weeks hence they were found in the town, they would be thrown into the Missouri, and should they return to Kansas would be hunted down and hanged wherever found. No member of the Northern Methodist Church was to be allowed henceforth to preach in Platte County, under penalty of tar and feathers for the first offense and a hemp rope for the second. The printing house was next visited and the press, with a white cloth drawn over its head and labeled "Boston Aid," was carried to the river bank and thrown into the Missouri,‡ to the delight of the people of Parkville, who thanked their neighbors for ridding them of that incendiary sheet, the *Luminary*. Clay County resolved that no preacher of the Methodist Church North should preach in that county, asked all who subscribed for newspapers tinctured with Free Soilism or Abolitionism to drop their subscriptions, and appointed a committee to visit every person suspected of Free Soilism and warn him to leave.§ The people of Webster voted to drive out every man opposed to slavery, approved the Parkville riot and the resolution against Meth-

* Kansas Herald, May 4, 1855.

† Ibid., May 25, 1855.

‡ Lawrence Free State, May 7, 1855. New York Tribune, May 9, 1855. Robinson's Kansas Conflict gives the resolution in full, pp. 130-131.

§ St. Louis News, May 9, 1855. New York Tribune, May 14, 1855.

odist preachers, and resolved that the only arguments against abolition newspapers were bonfires, the Missouri River, and hemp ropes.*

Reeder in the meanwhile went East to explain to the President the Kansas situation as he saw it. Pierce approved and endorsed all the Governor had done, and told of the pressure for his removal. The strife in Kansas, Pierce said, haunted him day and night, and was the great overshadowing trouble of his administration.† As the two went over the matter together, day after day, it became so clear that the President wished Reeder to resign that he undertook to frame a letter of resignation. Draft after draft was made; but they could not agree on the form it should take. Finally Reeder gave up the attempt and told the President he would not resign. "Well," said Pierce, "I shall not remove you on account of your official action; if I remove you at all it will be on account of your speculation in lands of the territory." ‡

With this threat hanging over him Reeder went back to Kansas. During his absence the election to fill the vacancies in the legislature was held. Save in Leavenworth, no pro-slavery men voted; for it was held that the Governor had no authority to throw out the returns.§ Bands of Missourians, nevertheless, came into Leavenworth and elected the men from that district to whom Reeder had refused certificates. Elsewhere Free Soilers were chosen. The election over, Reeder wrote to the Pawnee Association that if it would provide suitable quarters he would summon the legislature to meet in that town. The promise was gladly given and the legislature was duly commanded to assemble on the second of July.

When it met ¶ at Pawnee, a new frontier hamlet on the Kansas River a hundred and forty miles from the Missouri, the legislature consisted of thirty-nine members, among

* Platte Argus, May 1, 1855.

† Reeder's testimony, Howard's report.

‡ Ibid., p. 937.

§ Resolutions of a meeting at Shawnee Mission, April 6, 1855, quoted in Phillips' Conquest of Kansas, pp. 98-99.

¶ July 2, 1855.

whom were those elected on May twenty-second, and two Free Soilers, one in the Council and one in the House, chosen at the election in March. One of these resigned; eleven chosen in May were unseated, and the bogus legislature, as it was called, went on to quarrel with the Governor.* Pawnee mission was too far from the Missouri border to please the members. They complained likewise of the discomfort. "Nearly all the members," one of them asserted, "had to camp out in the open sun, and do their own cooking without a shade tree to protect them, for there were no boarding houses in the neighborhood, excepting two unfinished shanties." Reeder declared that there was ample accommodation for the members in certain boarding houses which he named, and that a two-story stone building with plenty of seats and desks had been built for the legislature, but the members had brought tents with them and insisted on using them. On the fourth of July, accordingly, the legislature voted to remove to the Shawnee Manual Labor School near the bank of the Missouri, and but three miles from Westport.† The Governor vetoed the bill, and when it was passed over the veto declared the legislature dissolved. To this it gave no heed, and on the sixteenth of July assembled at Shawnee. The only Free Soil member remaining in the body then resigned.

The work of the legislature consisted in enacting such local laws as were necessary, and in adopting the civil and criminal code of Missouri in bulk with such changes as the case required. The Governor used his veto not, as he said, because he thought the acts bad in themselves, but because he denied that the legislature was a lawful body. A petition asking the President to remove him was thereupon drawn, signed, and sent by special messenger to Washington. The request was unnecessary. Pierce had already removed him.‡ Daniel Woodson, the Secretary of the Ter-

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report of proceedings at Pawnee is published in the New York Tribune, July 26, 1855.

† New York Tribune, July 26, 1855, publishes the act.

‡ Acting Secretary of State to Reeder, July 28, 1855. New York Tribune, August 8, 1855. This official notice reached him August 15.

ritory, then became acting Governor, and so pleased the legislature and the people by his conduct that petitions were sent to Washington asking that he be made Governor. They were passed on their way by the news that Wilson Shannon had been appointed.

Defeated, but not crushed, the Free Soilers now organized a Free State party, elected Reeder delegate to Congress, and held a convention at Topeka, from which came a free State constitution with the provision that it should be submitted to popular vote.

The Free State men having organized, the pro-slavery men did likewise, and in response to a call by members of the bogus legislature met at Leavenworth. Governor Shannon presided, and resolutions were adopted declaring the Constitution of the United States and the acts of Congress sufficient for the protection of their rights; that no men were at liberty to resist laws passed by legally organized legislatures, unless, indeed, they chose to become rebels and traitors. The members of the convention then formally declared themselves the Law and Order party, the State Rights party of Kansas, the opponents of Abolitionism, Free Soilism, and all the other "isms of the day," and fully able and quite determined to maintain law and order in Kansas.* December fifteenth the Topeka constitution was adopted by the Free State party.

Events in Kansas were not without effect on the political parties; but none suffered so seriously from them as did the Know Nothings. Success in the elections of 1854 had awakened high hopes for 1856. In this amazing success, however, certain death lay hidden. If the order, scarce two years old, were to rise to the dignity of a national party, could it still do its work in secret? Must it not name its candidate for President and put forth its platform of principles, and in that platform could it avoid the issue of slavery? The session of the National Council held at Philadelphia in June was one long struggle over slavery. Resolutions of the majority set forth that Congress had no power

* Kansas Free State, November 26, 1855.

to legislate on slavery in the States, or to refuse any State admission because her constitution did or did not recognize slavery as a part of her social system, and that, waiving the question of the right of Congress to legislate on slavery in the Territories, Congress ought not to legislate on that subject either in the Territories or in the District of Columbia. Resolutions of the minority denounced the repeal of the Missouri compromise as a violation of the plighted faith of the nation, demanded that the restriction be restored, and, failing in this, that Congress refuse to admit a slave-holding State made out of any part of the territory from which slavery was excluded by the compromise.* Over these during three days raged a bitter debate, at the close of which the Council adopted the resolutions of the majority, and by so doing split the party. When the Council assembled on the following day not an anti-slavery delegate was present. Led by Wilson, they gathered elsewhere, adopted an address to the people of the United States, sent a protest to the Council against the introduction of slavery into the platform,† and went home. The pro-slavery delegates then finished their platform in which the resolutions of the majority formed the twelfth section, called a National Nominating Convention to meet at Philadelphia on Washington's Birthday, 1856, and declared that henceforth all principles of the order should be everywhere openly avowed, and each member should be free to make known the existence of the order and his membership in it.‡

State Councils of the Americans in Massachusetts now severed all connection with the national party.§ Those in Connecticut, Rhode Island, and New Jersey approved of the bolt of their delegates, and, when the Pennsylvania Council adopted all the national platform save the twelfth section, ten delegates from Philadelphia and two from Montgomery

* New York Tribune, June 12, 1855.

† One was signed by fifteen delegates: from Vermont 5, Connecticut 1, New Jersey 2, Pennsylvania 4, Delaware 1, Illinois 2; the other was signed by 7 from Indiana. New York Tribune, June 16, 1855, gives both.

‡ Tribune, June 18, 1855.

§ New York Tribune, July 2, 1855.

County withdrew.* The Council in Indiana separated from the order and denounced slavery and secrecy. That of Illinois declared for the Bible in the schools, resistance to the corrupting influence of the Roman Catholic Church, to associations and militia companies composed wholly of men of foreign birth, and in favor of the restoration of the Missouri compromise, extension of the term of residence before naturalization, and of stopping the deportation of felons and paupers from foreign lands to our shores.† In Maryland and Kentucky the Americans endorsed the Philadelphia platform, and in Georgia they resolved that all who opposed the Nebraska act "were, and are, unfit to be recognized as members of the American party." Americans in Louisiana nominated a French Catholic for governor and a Spanish-American for lieutenant-governor, and a great mass meeting of the party at New Orleans denounced religious tests and endorsed the platform.

In the South Know Nothing Councils were dissolved and members made haste to publish their withdrawals from the order. In Kentucky Rough and Ready Council No. 231 dissolved.‡ Twenty-one left the Spring Hill Council in Mississippi and gave their reasons. Others in Yazoo, Choctaw, and Attila counties did the same. So did others in Memphis, in Louisiana, in Sparta, Georgia, and in Lauderdale County, Alabama, where eighty members left the Know Nothing lodge; forty the Chestnut Creek Council; twenty-five that of Chandler Springs, and seventeen that in Randolph County.§ The New Orleans *Bee* "cut the party" and the *Exponent* "took leave of Sam."

As the American party went down, the Republican rose. Mass conventions called by gentlemen in Boston, and by citizens of Philadelphia, met in Boston in August, and Pittsburg in September, and adopted platforms. State committees of Pennsylvania Whig-Americans and Republicans put a fusion ticket in the field, and in New York the Re-

* New York Tribune, June 23, 25, July 9, 1855.
† Washington Union, July 21, 1855.
‡ Ibid., July 26, 1855.
§ Ibid., July 17, 18, 20, 21, 24, 26, 27, 1855.

publican and Whig State Conventions, assembled at the same time in Syracuse, fused, adopted a platform, and accepted the leadership of Seward. Fusion, 'twas said, is the order of the day. Black spirits and white are the actors on the scene. Whigs, Black Republicans, and Know Somethings, the desperate, the dishonest, the reckless and fanatical have combined.

From the polls the struggle was taken, in December, to the House of Representatives, where two months were wasted in attempts to elect a Speaker. Nathaniel P. Banks was the candidate of the Republicans, Henry M. Fuller of the Americans, and Richardson, who led the memorable contest over the Kansas-Nebraska bill, of the straight out Democrats. Balloting having failed; efforts to fuse Democrats and South Americans having failed; questioning the candidates having failed; choice by plurality was agreed to, and February second, 1856, Banks was elected Speaker.

February eighteenth a National Council of Know Nothings gathered at Philadelphia, struck the Twelfth Section from the June platform, made a brand new platform declaring for Squatter Sovereignty and the Fugitive Slave Law, and adjourned February twenty-first.

On the morning of the anniversary of Washington's birth the National Nominating Convention of the Americans met at Philadelphia. Almost all who sat in the National Council were members of the convention, where, as was to be expected, the old fight was fought to the end, and the party split into South Americans and North Americans. The South Americans or Twelfth Section men nominated Millard Fillmore and Andrew Jackson Donelson. The North Americans met in caucus, issued an address, and called a convention to meet at New York City on the twelfth of June and nominate candidates.*

On the same day on which the American Nominating Convention met at Philadelphia the Republicans gathered at Pittsburg. They had been summoned by the chairmen of

* New York Tribune, February 27, 1856.

nine Republican State committees,* to begin the organization of a national party, and were encouraged to do so by messages from friends who watched their proceedings with much concern. Merchants in Baltimore, styling themselves Southern Friends of Republicans, urged them in an address to merge every issue of slavery into a demand for the restoration of the Missouri compromise. A dispatch from Philadelphia read, "The Americans are no longer united. Raise the Republican banner. Let there be no further extension of slavery. The Americans are with you." † Ere it adjourned the convention adopted an address and resolutions, and called a nominating convention to meet at Philadelphia on Bunker Hill day, June seventeenth.

The address was long. It began with assurances of a fixed and unalterable devotion to the Constitution and the rights it declared inviolable, and of an ardent and unshaken attachment to the Union of the States; denounced the pro-slavery administration of the Government, passed in review the history of the slavery issue from its rise to the recent outrages in Kansas, and answered the three pleas so often made in defense of this aggression, that the Missouri Compromise was not a lawful compact, that Congress had no power to forbid slavery in the territories, and that popular sovereignty was a wise political policy.‡

The resolutions demanded the repeal of all laws opening to slavery territories once free, promised support to all lawful acts of the Free State men in Kansas, favored the admission of Kansas as a free State, and urged organization to overthrow the present national administration.§

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* Maine, Vermont, Massachusetts, New York, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin.

† New York Tribune, February 23, 1856.

‡ Ibid., March 1, 1856. Weekly Tribune, March 8, 1856.

§ Ibid., February 24, 1856.

CHAPTER XCI.

BLEEDING KANSAS.

The press of the country was still commenting on the nominations of the South Americans, the secession of the North Americans, and the address of the Republicans, when the fourth of March came and the Kansas Free State legislature met at Topeka.

The adoption of the Free State Constitution in December was followed, one week later, by a convention at Lawrence which nominated State officers who were elected in January; but in more than one town along the border no ballots were cast lest the voting should bring down on the people a horde of Border Ruffians. Indeed, rumors of preparations for invasion, of musterings and drillings and arming, became so rife that soon after the election the Free State leaders called on the President for protection,* and sought aid from the Governors of Ohio, New York,† and Rhode Island.

Pierce in his annual message ‡ stated that nothing had happened in Kansas to justify Federal interference. But in a special message he blamed the Emigrant Aid Societies

* Robinson, The Kansas Conflict, pp. 223-224.

† Messages from the Governors. Vol. 4, pp. 863-864. Governor Clark of New York in his annual message declared that the defenders of Lawrence "are entitled to the respect and gratitude of all who love the Republic." Ibid., p. 862. Chase, of Ohio, urged that the legislature officially call for liberal popular contributions in aid of Kansas. National Intelligencer, February 11, 1856.

‡ The message was sent December 31 and was duly received by the Senate. But the Representatives would not allow it to be read till after the Speaker was elected.

for the troubles in Kansas,* declared the bogus legislature to be "the legitimate legislative assembly of the Territory," † denounced the framing of the Topeka constitution and the elections under it as "illegal acts" ‡ committed by "persons acting against authorities duly constituted by act of Congress," § and avowed his intention "to exert the whole power of the Federal Executive to support public order in the Territory and to vindicate its laws, whether federal or local, against all attempts of organized resistance." ¶ The message closed with a request for an act authorizing the people of Kansas, when sufficiently numerous to constitute a State, to elect a convention of delegates to frame a constitution and so prepare for regular and lawful admission into the Union.

Ere the message reached Kansas the appeal of Robinson came to the President and drew from him a proclamation || commanding all engaged in unlawful combinations to go home, and warning citizens of near and distant States not to interfere. The Southern and the Northern Democrats approved the course of Pierce. No others gave the slightest heed to his threats. Everywhere, East and West, Kansas Aid Societies became more numerous, money was given more plenteously, and volunteering went on more actively than ever. Nearly five hundred dollars were contributed in Bangor, Maine; some three hundred and fifty in Randolph, Vermont; four thousand were subscribed at a Kansas meeting in New Haven, and goodly sums in Albany and Poughkeepsie. Milwaukee formed an Aid Society, raised money, and bought Sharpe's rifles, and in Preble, Harrison, Summit, and Drake Counties, Ohio, a thousand men volunteered.**

The charges made against the New England Emigration

* Richardson, Messages and Papers of the Presidents, Vol. 5, p. 355,
† Ibid., p. 355.
‡ Ibid., p. 357.
§ Ibid., p. 358.
¶ Ibid., p. 359.
|| February 11th. Richardson's Messages and Papers of the Presidents, Vol. 5, pp. 390-391.
** New York Tribune, March 3, 1856.

Aid Society were flatly denied by its friends. It was not a band of Abolitionists and did not hire paupers to go out as emigrants. Not one of the stockholders was an Abolitionist, not an emigrant had been hired; nor had a dollar been raised toward paying the passage of one to Kansas. The association was formed not to force emigration, but to select good sites, arrange for cheap and safe transportation of emigrants, provide grist mills, saw mills, school houses, and a few such temporary conveniences as new settlers would need.*

In Kansas rumor had it that warrants were to be sworn out against such State officers as might undertake to exercise authority, on the ground that they were violating the law of the Territory in assuming the duties of offices to which they had not been elected. Stringfellow, in a card, asserted that it was apparent that the abolitionists must have at least one good thrashing before political matters could be settled. To do this the Law and Order party must have arms, and to buy arms he would sell some shares of stock in the town associations of Lecompton, Douglas, Calhoun, and Nemaha City.† When the fourth of March came the Free State legislature assembled at Topeka, elected Reeder and Lane United States Senators, appointed a committee to draft a memorial to Congress praying admission into the Union, and after a session of eleven days adjourned to the fourth of July.

And now the struggle in Kansas began to receive serious attention in Congress. In the House it was opened by the contest between Whitfield and Reeder for the seat of the territorial delegate. When the debate had run on for a month Dunn of Indiana moved that the Speaker be authorized to appoint a committee of three to visit Kansas and inquire into affairs in general, and into the elections in particular. It was adopted,‡ and Lewis D. Campbell, William A. Howard, and Mordecai Oliver, a Democrat suggested by

* Speech of R. A. Chapman at Springfield, January 25, 1856, National Intelligencer, February 1, 1856.

† Kansas Herald, February 23, 1856.

‡ March 19th.

his party, were appointed. Campbell declined and John Sherman of Ohio was appointed in his place.

About the middle of April the commission reached Kansas City and went on to Lawrence to begin work. By the people they were well received; but then, and long afterward, it was asserted that the pro-slavery leaders were determined to provoke the Free State men to armed resistance while the commissioners were in the Territory, and thus show them to be the party of disorder.* Be this as it may, the commissioners had scarcely reached Lawrence when Sheriff Jones entered the town. He came, he said, to arrest some men concerned in the rescue of Branson in the previous November. Arrests might have been attempted at any time during the five months which had elapsed since the night Branson was set free. But Jones knew such an attempt would not be successful, and that he should choose to make it just when the commissioners were in Lawrence gave color to the charge that his real purpose was to provoke a quarrel. One of the Branson rescuers was seized; but those who were present interfered, jostled him aside, and he escaped. On the following day, which was Sunday, Jones came again, stopped people on their way to church, and summoned them to act as a posse. They seemed not to hear him, so he took down the names of some and complained to Governor Shannon, who appealed to Colonel Sumner for troops. They were furnished, and on Wednesday Jones, with the cavalrymen at his back, repaired to Lawrence and made arrests. That night, while in a tent, he was shot and wounded by a Free State man.†

A mass meeting at Lawrence promptly denounced the shooting, every attention possible was given Jones, and Robinson offered five hundred dollars' reward for the capture of the would-be assassin.‡ All this availed nothing. The pro-slavery party, pretending that Jones was dead, called

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* Phillips, The Conquest of Kansas, p. 252. Robinson, The Kansas Conflict, p. 232. New York Tribune, May 3, 15, 1856.

† New York Tribune, May 3, 1856. Phillips, The Conquest of Kansas, pp. 255-256. Kansas Free State, April 28, 1856.

‡ Ibid., May 5, 1856. Robinson, The Kansas Conflict, p. 233.

for vengeance on the people of Lawrence. Kansas, said the *Squatter Sovereign,* is once more in commotion. The traitors of Lawrence have again set the laws of the Territory at defiance. Sheriff Jones has been murdered while in discharge of his duty, shot down by the thieving paupers of the North. We are now in favor of leveling Lawrence and chastising the traitors there congregated, should it result in the total destruction of the Union.* Even Colonel Sumner, from his camp near Lawrence, urged Robinson to ferret out "the cowardly assassin." The peace of the country might depend on it. The affair had been reported at Washington, and whatever orders were received would be instantly carried into effect.†

The pro-slavery party, however, did not wait for orders from Washington. In the midst of the excitement, while the *Squatter Sovereign* and the Platte *Argus* were still keeping up the delusion that Jones was dead, the First District Court of the United States for Kansas Territory met on the fifth of May at Lecompton. Judge Lecompte presided and charged the Grand Jury. "You must," said he, alluding to the Free State Government, "turn your attention to an unlawful and hitherto unheard-of organization that has been formed in our midst. You will take into consideration the cases of men who are dubbed governors, men who are dubbed lieutenant-governors, men who are dubbed secretaries and treasurers, and men who are dubbed all the various other dubs with which the territory is filling." Kansas was organized by act of Congress and "has a legislature elected in pursuance of that organic act." This legislature has made laws, which are therefore "of United States authority and making," and all who resist them "resist the power and authority of the United States and are guilty of high treason. Now, gentlemen," the judge continued, "if you find that any persons have resisted these laws, then must you find bills against such persons for high treason. If you find

* Squatter Sovereign, April 28, 1856. New York Tribune, May 14, 1856.

† Phillips, The Conquest of Kansas, p. 257. Colonel E. V. Sumner to Robinson, April 27, 1856.

that no such resistance has been made, but that combinations have been formed for the purpose of resisting them," then "must you find bills for constructive treason, as the courts have decided that to constitute treason the blow need not be struck, but only the intention be made evident." *

The fruit of this extraordinary charge was the indictment of Reeder, Robinson, Lane, and half a dozen other Free State leaders, and the issuing of a subpœna requiring Reeder to come to Lecompton and testify before the Grand Jury. Reeder had gone to Washington at the opening of the session of Congress to claim his seat as Territorial delegate and contest that of Whitfield; but when the committee left for Kansas he was summoned to go along because of his knowledge of matters to be investigated. At Tecumseh the subpœna was served;† but he refused to appear before the jury, and the next day,‡ while in attendance on the commission at Lawrence, the Deputy Marshal appeared with a writ for his arrest for contempt of court. Again he refused to go, pleading exemption as a contestant for a seat in the House of Representatives, and as a witness cited before the committee of investigation.

News of the indictments spread fast, and two days later § Robinson, on his way East to seek aid for Kansas, was taken by a mob from a steamboat at Lexington, Missouri,¶ held till Shannon was heard from, and after a delay of two weeks was brought a prisoner to Leavenworth, where he remained till September, when he was released on bail. Reeder, fearing for his life, fled down the Missouri disguised as a deckhand, and made his way across Illinois to Chicago.‖

Meantime, on the eleventh of May, United States Marshal Donaldson issued a proclamation falsely stating that

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* Phillips, The Conquest of Kansas, pp. 268-269. New York Tribune, May 19, 1856. For a Letter of a Grand Juror see New York Tribune, June 9, 1856.

† May 7, 1856.

‡ May 8.

§ May 10.

¶ Letter of Mrs. Robinson, New York Tribune, May 17, 1856; also Mrs. Robinson, Kansas, pp. 267-272.

‖ New York Tribune, June 2, 1856.

certain writs had been "resisted by a large number of citizens of Lawrence," that there was "every reason to believe that any attempt to execute" them would be "resisted by a large body of armed men," and that, therefore, he summoned the law-abiding citizens of the Territory to appear at Lecompton in numbers sufficient to execute the law.*

To this the people of Lawrence, in mass meeting, replied by a resolution, denied that any resistance had been made, declared their willingness to submit to the service of any writ by the United States Marshal and to furnish a posse whenever required.† When Donaldson's men gathered about the town, molested travelers, and openly declared their intention to destroy the place and drive out the citizens, another meeting adopted more resolutions which were sent with a letter to the Marshal. No opposition, they said, would be made to the execution of any legal process by him, and they would, if called on, assist.‡ His answer was insulting.§ When another letter was sent complaining that a force of armed men were "stopping wagons, arresting, threatening, and robbing unoffending travelers upon the highway, breaking open boxes of merchandise, and appropriating their contents," and asking if he recognized them as his posse, he made no reply.¶ A committee sent by the citizens of Lawrence visited Governor Shannon and the Marshal and delivered a signed note offering to give up their arms to Colonel Sumner if he were quartered in the town with troops enough to protect the people. But Shannon refused to summon Colonel Sumner, said he had no authority over the posse of the Marshal, and that the people of Lawrence must abide their fate.‖

It was then the nineteenth of May, and for days past the Law and Order men had been coming by scores and hundreds from Missouri to Lecompton, to the Wakarusa, to

* Phillips, Conquest of Kansas, p. 276.
† Ibid., pp. 278-279.
‡ Ibid., pp. 280-281.
§ Ibid., pp. 281-283.
¶ Ibid., pp. 284-285.
‖ Memorial to the President from Inhabitants of Kansas. Robinson, The Kansas Conflict, pp. 250-251.

Franklin, and the outskirts of Lawrence. To Lecompton came the Atchison Guards, the Doniphan Tigers, the Topeka Dragoons, the Lecompton Guards, and men who, belonging to no militia organization, were called Donaldson's Red Shirts from the garments they wore. Colonel Titus, late a Cuban filibuster, was there with a body of horse, and Atchison with the Platte County Riflemen and two pieces of cannon, Williams with his Border Ruffians, and the Kickapoo Rangers armed with Sharpe's rifles. At Franklin was Colonel Buford, just from South Carolina, with four hundred men.

In the autumn of 1855 the Kansas Emigration Society of Missouri, alarmed at the steady stream of Northern emigrants that passed into Kansas, issued an appeal to the South for aid. During two years the western counties of Missouri, it was said, had been sorely taxed in men and money to fight the battles of the South. But the time had come when she could no longer stand, single-handed, against the myrmidons of the North. Men must be sent to Kansas by tens of thousands; a few would not do. "We tell you now, and tell you frankly, that unless you come quickly, and come by thousands, we are gone." *

The call was heard, and during the winter efforts were made to raise money and secure emigrants for Kansas. A bill to aid emigration passed to a second reading in the Alabama legislature.† Friends of the cause in Georgia asked the legislature for fifty thousand dollars to send men to Kansas, the money to be raised by a tax on slaves.‡ The bill was defeated; but the work went on. In South Carolina, Georgia, and Alabama meetings were held, Kansas Associations formed, political leaders made speeches, and the newspapers published fiery articles and appeals. Captain Bell of Edgefield announced that he wished to raise a company of one hundred men to start about the end of March. Preston S. Brooks pledged the South Carolina delegation for two hundred and fifty dollars, payable when the com-

* Robinson, The Kansas Conflict, gives the circular entire, p. 227.
† National Intelligencer, January 28, 1856.
‡ Ibid., February 23, 1856.

pany was ready to go, and offered one hundred dollars to each company of one hundred men that would go to Kansas pledged to live there for three years.* With the coming of spring the men enlisted by such appeals began to leave in small parties. Nineteen went from Charleston early in March,† and a second company of twenty-eight a little later.‡ Before the first of June the Society for the Aid of the Slave Settlement of Kansas had raised nearly ten thousand dollars and had sent seventy-three men to Kansas properly armed and ready to fight on the side of Law and Order.§ The committee at Asheville called for twenty-five or thirty volunteers to leave the court house on April tenth. Each was promised an outfit worth two hundred dollars, and must agree to stay in Kansas "until a constitution should be adopted by the people of the Territory in due form of law." ¶ Like associations were formed in Laurens District, in Columbia, and in Orangeburg District, whence fifteen young men went West.

Alabama was roused by the call of Major Jefferson Buford of Eufaula. "Who," said he, "will go to Kansas? I wish to raise three hundred industrious, sober, discreet, reliable men capable of bearing arms, not prone to use them wickedly or unnecessarily, but willing to protect their sections in every real emergency." ‖ To each would be given a homestead of forty acres, free passage, and support for one year. Buford pledged himself for twenty thousand dollars, sold forty slaves to raise the money, appealed for a contribution, addressed the legislature, and the people of a dozen towns, and was helped in his efforts by Yancey and all the political leaders in the State.

On the last day of March, with some seventy men, Buford set off from Eufaula for Columbus, Georgia, where

* Columbia Times, cited by National Intelligencer, February 6, 1856.
† National Intelligencer, March 10, 1856.
‡ Charleston News, March 27, 1856.
§ Charleston Courier, June 16, 1856.
¶ Abbeville Banner, cited by National Intelligencer, April 1, 1856.
‖ W. L. Fleming, The Buford Expedition to Kansas, American Historical Review, Vol. 6, No. 1, October, 1900, p. 39.

he was awaited by sixty, of whom thirty had come from South Carolina under Captain Bell.* More came from Atlanta and Marietta, so that when Montgomery was reached the expedition numbered some three hundred men.† Out of respect for the proclamation of the President, no one was armed; but during service on Sunday the pastor of the Baptist Church proposed that, as Northern ministers were raising funds to buy Sharpe's rifles for Northern emigrants, each of Buford's men should bear a weapon more powerful than rifles—the Bible. The money was promptly given and turned over to Buford to buy the Bibles wherever he could.‡ On Monday the battalion, carrying a banner inscribed on one side "The Supremacy of the White Race," and on the other "Kansas—The Outpost," marched to the steamboat and departed for Mobile and New Orleans, where each man was formally presented with a Bible. Late in April they landed at Kansas City, were greeted by a delegation from Westport, and were given a reception by the people.§ At Westport Buford was presented with a horse, saddle, and bridle in recognition of his services to Kansas.¶

Once in the Territory Buford's men showed no signs of making claims, but maintained their military organization, and marched about from place to place in large companies.‖ When Donaldson issued his proclamation Buford called them to Lecompton and Franklin, where they were armed and made Kansas militia by Governor Shannon.

May twentieth the posse, some eight hundred in all, began their march, and just after sunrise on the twenty-first the advance guard of two hundred horsemen drew up on Mount Oread behind the house of Governor Robinson. As they looked down on the town no signs of defense were

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* Columbus Enquirer, cited by the National Intelligencer, April 9, 1856.

† Montgomery Journal, April 7, 1856, cited by the National Intelligencer, April 12, 1856.

‡ W. L. Fleming, The Buford Expedition to Kansas, American Historical Review, Vol. 6, No. 1, October, 1900, p. 42.

§ New York Tribune, May 10, 1856.

¶ Kansas Herald, May 17, 1856.

‖ Kansas Free State, May 19, 1856.

visible. The streets were deserted, no force was to be seen, no cannon were mounted.

About seven o'clock the horsemen took possession of Robinson's house, planted cannon on the brow of the hill, and trained them on the town. One hour later the rest of the posse arrived on foot, and as soon as it was posted Deputy Marshal Fain rode into Lawrence with ten men, summoned several of the inhabitants to act as his posse, arrested two men, dined at the Free State Hotel, and went back to the hill, where the men had passed the time looting houses and making speeches. Fain now informed them that they were dismissed, but that Sheriff Jones had some processes to serve, and they would probably be needed by him. Jones then came forward, summoned them to act as his posse, was greeted with wild cheers, and with twenty armed men rode into Lawrence. Of the leaders of the Free State party but one was in the town. Reeder had fled, Lane was in Washington, Robinson and many others were under arrest. Roberts, the lieutenant-governor of the Free State, was present. Halting before the Free State Hotel Jones called for Samuel C. Pomeroy. He came out at once. "Pomeroy," said the sheriff, "I recognize you as one of the leading citizens, who can act for the people. I demand that all the arms in Lawrence be given up, or we will bombard the town." * Five minutes were allowed for an answer. When it came Jones was told that he might have the cannon; but the rifles were private property and would not be given up by their owners. A twelve-pound brass howitzer and four small breech-loading cannon were then surrendered.

While the parley was going on the posse, led by Atchison, Buford, Titus, and Stringfellow, came down the hill, halted just without the town, and was addressed by Atchison standing on a cannon. After he had finished the mob, for it was now no better, entered Lawrence under its motley collection of banners. One was striped black and white. Another, crimson with a white star in the center, was inscribed "South Carolina," and "Southern Rights." A

* Phillips, The Conquest of Kansas, p. 294.

third was red and white, had a rampant tiger in the corner. Still others were the banners of Buford's men. Marching to the office of the *Free State,* the press, type, books, and papers were thrown into the street. Meantime the office of the *Herald of Freedom* was entered and two hand presses were destroyed, a good library torn to pieces, private papers thrown into the street, and the building set on fire.* Both the newspapers had been presented as nuisances by the same grand jury of Douglas County that indicted Reeder, Lane, and Robinson for treason. So also had the Free State Hotel, and against this stone structure, which had been cleared of inmates by order of Jones, the cannon were now brought to bear. After thirty-two shots had pierced it, and an attempt to blow it up with gunpowder had failed, fire was applied and the building was destroyed. Houses and stores were now ransacked, trunks rifled, and money and clothing carried away. About seven o'clock the marauders began to leave, and by midnight all was quiet in the looted town. Before morning Robinson's house was burned.†

Some five days after the sack of Lawrence wild stories of what had happened began to reach the East, then boiling with excitement over an assault on Sumner. While the debate on the Douglas bill dragged on from week to week, Sumner had been engaged on the preparation of what he determined to make "the most thorough philippic ever uttered in a legislative body." He called it "The Crime against Kansas," and delivered it on the afternoons of the nineteenth and twentieth of May. After a long introduction full of allusions to historic names and incidents he divided his subject into the Crime Against Kansas in its origin and extent, the Apologies for the Crime, and the True Remedy. But ere taking them up he turned aside and went out of his way to make a personal attack on two Senators who had "raised themselves into eminence on this

* Herald of Freedom, Nov. 1, 1856. Statement of the editor.

† The sack of Lawrence is described in Lecompton Union, May 24, cited by New York Tribune, June 7, 1856, and by Phillips, The Conquest of Kansas, pp. 304-309; New York Tribune, June 2, 1856; Memorial to the President from Inhabitants of Kansas; Robinson's The Kansas Conflict, pp. 243-256; Mrs. Robinson's Kansas, pp. 240-248.

floor in championship of human wrongs." These two were Butler of South Carolina and Douglas of Illinois.

The attack on the Senators had nothing to do with the Crime, was coarse, and not fair to Butler, who was absent. No sooner, therefore, had Sumner stopped speaking than Cass, Douglas, Mason, and many others, with one accord, rose, showing, said a witness, how deep these shafts had entered.* They had, indeed, entered deeply into one not a Senator, into Preston S. Brooks, a relative of the absent Butler and a member of the House from South Carolina. Now, it so happened that on May twenty-second the Senate had adjourned early, and knowing this Brooks entered the chamber, cane in hand, walked to the desk where Sumner sat writing, stood before him and said, "Mr. Sumner, I have read your speech twice over carefully. It is a libel on South Carolina and on Mr. Butler, who is a relative of mine," and began to beat Sumner over the head with the cane. Stunned and bleeding, Sumner struggled to rise, tearing the desk from its fastenings in his efforts, but was beaten into insensibility and fell on the floor.

To attack an unarmed man sitting at his desk was not then thought to be an act unworthy of a gentleman. The South was well pleased. Colonel Brooks, it was said, has immortalized himself and the people of South Carolina are ready to indorse his conduct. We hope that arguments stronger than words will be used on every convenient occasion.† The telegraph has recently brought no news more grateful to our feelings than the classical caning which that outrageous Abolitionist received on Thursday at the hands of the chivalrous Brooks.‡ We trust the ball may be kept in motion. Seward and others should catch it next.§ We consider the act good in conception, better in execution, and best of all in consequences. These vulgar Abolitionists in the Senate are getting above themselves. They have grown

* New York Tribune, May 21, 1856.

† The Carolina Times, May 26, 1856, published at Columbia, S. C.

‡ South Side Democrat, May 24, quoted by the New York Tribune, May 27, 1856.

§ Richmond Whig, quoted by the New York Tribune, May 27, 1856.

saucy and dare to be impudent to gentlemen.* If Massachusetts will not recall such a man, if the Senate will not eject or control him, there is nothing to do but to cowhide bad manners out of him, or good manners into him.† To present a cane to Brooks now became a fashion.‡

In the Senate all save the Republicans seemed well pleased and quite content to let the matter rest. When Wilson formally called the attention of that body to the assault not a Southern member uttered a word. At last Seward moved for a committee to investigate, report facts, and make a recommendation. When made it was that the Senate could not arrest Brooks, and hence could not try and punish him, and that it could do nothing more than complain to the House. This report was accepted and a copy sent to the House.§

The House Committee made two reports. That from the minority recommended a resolution asserting that the House had no jurisdiction over the alleged assault, and, therefore, would express no opinion. The resolution offered by the majority declared that Brooks be and hereby is expelled from the House.¶ An attempt to expel him failed for want of a two-thirds majority; but Brooks resigned and was promptly re-elected.

As news of the assault spread over the North indignation meetings, "free speech meetings" were held from Maine to Iowa. By the time a few had denounced the act of Brooks, the sack of Lawrence became known and a series of Kansas relief meetings followed. To the vigorous execration of Brooks and the Border Ruffians, to expressions of sympathy for Sumner and Kansas, were added appeals for volunteers, clothing, money, aid in any form for the Lawrence sufferers. A bill to appropriate ten thousand dollars

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* Richmond Enquirer, June 2, 1856.

† Washington Sentinel, May 27, 1856.

‡ New York Independent, June 22, 1856, quoting the Columbia, South Carolina, Banner; New York Tribune, June 6, 1856; Pennsylvanian, May 31, 1856.

§ Congressional Globe, 34th Congress, 1st Session, Part II, p. 1317.

¶ The reports, the journal, and the testimony taken by the Committee are printed in the Congressional Globe, pp. 1348-1367.

was introduced in the Massachusetts legislature.* Forty-five hundred dollars were subscribed at the Worcester meeting.† Three thousand dollars were collected at the New York meeting.‡ The editors of five Chicago newspapers § called for money to buy a press and type for the owner of the *Herald of Freedom*. Brown, the editor, was then a prisoner at Lecompton; but from his jail he announced that his partner would resume publication of the *Herald* at Alton where, nearly twenty years before, Lovejoy had lost his life in another struggle for freedom of speech and of the press.¶

While the friends of Kansas were thus gathering arms, money, and supplies, the National Democratic Nominating Convention assembled at Cincinnati. That Pierce or Douglas would be the choice of the administration wing was certain; but that it could win was very uncertain, for the Hards and the Softs in New York had each sent a delegation, and the supporters of Buchanan were asserting that no other man could carry Pennsylvania and Ohio, and that they would support none other.

At noon on June second the delegates assembled. But scarcely had a member begun to read the call when a crowd of men forced the door, knocked down the doorkeeper, and rushed into the hall. They were Benton delegates from Missouri, who had been refused tickets by the Committee of Arrangements. When the reading of the call was finished the chairman declined to recognize them and they withdrew.‖ On the third day the platform was reported. What it must contain had been plainly stated by conventions in three Southern States, when they appointed dele-

* New York Tribune, May 31, 1856.

† Ibid., June 9, 1856.

‡ Ibid., June 10, 1856.

§ These newspapers were the Chicago Tribune, Democrat, Staats Zeitung, Democratic Press, and the Journal. New York Tribune, June 6, 9, 1856.

¶ New York Tribune, June 7, 9, 1856. The plan to resume publication at Alton was not carried out, and no issue of the Herald of Freedom appeared till November, and then Lawrence. Herald of Freedom, November 1, 1856.

‖ New York Tribune, June 3, 1856.

gates to Cincinnati. That of Georgia declared that opposition to the Kansas-Nebraska act was hostility to the people of the South; that all who shared in such opposition were unfit to be recognized as members of any party not set against the South, and that Georgians would not affiliate with any party which did not approve, recognize, and pledge itself to carry out the principles and provisions of the act.*

Alabama bade her delegates leave the convention unless the platform declared for non-intervention by Congress with slavery in the Territories; promised that no restriction of slavery in any territory should ever be made in any act of Congress; that no State should ever be refused admission into the Union because of slavery therein, and that the Fugitive Slave law must be faithfully carried out.†

Mississippi demanded the recognition and adoption of the principles of the Kansas-Nebraska act; a pledge to resist all attempts to abolish slavery in the District of Columbia, to forbid the slave trade between the States, or to repeal the Fugitive Slave law.‡ Most of the planks in the platform when adopted were old, and had done service in 1840, 1844, 1848, and 1852; but the demands of the three States were granted and the platform insisted that Congress must not meddle with slavery in the States, in the Territories, in the District of Columbia, and recognized the right of the people of Kansas and Nebraska, acting through the fairly expressed will of a majority of actual residents, to form constitutions with or without slavery, and be admitted into the Union whenever the number of their inhabitants was sufficient.

Before the balloting for a candidate began it was necessary to settle the dispute between the Hards and Softs from New York. A majority report from the Committee on Credentials recommended that the Softs be recognized as the regularly organized part of the Democratic party; that the Hards be recognized as an organized party, that the two delegations be consolidated, and that the Softs be given

* Congressional Globe, 34th Congress, 1st Session, Appendix, p. 475.
† Ibid.
‡ Ibid.

forty-five votes and the Hards twenty-six. Bayard of Delaware made the minority report, which was: that each delegation choose thirty-five men, that those so chosen be admitted, that each delegation vote separately and be given seventeen votes, and that the odd vote be cast alternately beginning with the Softs on the first ballot.* This was approved by the convention, and accepted by the contestants, to the great delight of the audience, for the Hards were ardent supporters of Buchanan.

When the balloting began on the afternoon of June fifth the names of Buchanan, Pierce, Douglas, and Cass had been presented, but that of Cass was never at any time seriously considered. The contest lay between Buchanan and Pierce, but when fourteen ballots had been taken it was clear that Pierce was doomed to defeat.† The convention then adjourned for the day and the members spent the night in canvassing with such energy that Pierce was dropped. On the morrow, when the fifteenth ballot was taken, he received but three and a half votes, and the struggle was between Buchanan and Douglas.‡ After the sixteenth ballot the name of Douglas was withdrawn. When he heard, later in the evening of June fifth, the result of the fourteen ballots he telegraphed that he was no longer a candidate, and urged his friends to vote for Buchanan. This they did, and on the next ballot Buchanan was nominated unanimously. John C. Breckinridge of Kentucky was the choice of the convention for Vice-President.

Greeley found the causes for the success of Buchanan in the weakness and unpopularity of the administration which made it impossible to choose either Pierce or his supporter, Douglas; in the bold and bullying tone of the fol-

* Each State had been requested to send twice as many delegates as it had electoral votes; but the vote cast by each delegation was to be equal to the electoral vote of its State. The vote of each delegate, therefore was the fraction ½.

† On the first ballot the vote stood: Buchanan, 135½; Pierce, 122; Douglas, 33; Cass, 5. On the fourteenth it was: Buchanan, 152; Pierce, 75; Douglas, 63; Cass, 5½.

‡ On the fifteenth ballot the vote was: Buchanan, 168½; Douglas, 118½; Cass, 4½; Pierce, 3½.

lowers of Buchanan, who threatened rule or ruin and scared the office holders present in the convention, and in the holding of it in a free instead of a slave State. The presence of thousands of Democrats from the neighboring free States exerted, he held, a potent outside influence on the proceedings. That Buchanan was the most available man is undoubtedly true. The party did not dare go before the country with any candidate whose name was closely connected with affairs in Kansas.

Less than a week after the close of the Cincinnati convention the North Americans met at New York and were promptly invited to join the Republican ranks.* A committee of one from each of the fifteen States present considered the proposition and advised: that a fusion of all elements of opposition was most desirable; that the convention, by a series of informal ballots, should show its preference for candidates; that the two men receiving a majority be declared its choice; that a committee then confer with these men and with the Republican convention to meet on June seventeenth; and that the session continue during the coming week.† The report was adopted unanimously, six informal ballots were taken, and Banks and William F. Johnston of North Carolina were chosen.‡ Whereupon the New Jersey delegation declared the convention was sold out to the Republicans and withdrew. Delegates from Massachusetts, New York, Maryland, Delaware, Illinois, Iowa, and Tennessee joined them, and Stockton of New Jersey and Kenneth Raynor of North Carolina were nominated by the seceders.§

On the following day, the seventeenth of June, the National Republican Convention opened its session at Phila-

* The letter from the National Executive Committee of the Republicans enclosed a circular of March 28th, appealing to all hostile to slavery to unite and support a common ticket. New York Tribune, June 14, 1856.

† New York Tribune, June 16, 1856.

‡ Those voted for were: Banks, Fremont, Stockton, McLean, Johnston and Salmon P. Chase. New York Tribune, June 16, 1856.

§ National Intelligencer, June 16, 17, 18, 1856; New York Tribune, June 17, 1856.

delphia. Since the call for a convention went forth Seward, Chase, McLean, and Fremont had been discussed; but one after another they had been dropped or withdrawn, till none save Fremont was left. Seward was the choice of most of the leaders, Chase was the favorite in Ohio and of some of the leaders, and Fremont of the newspapers and the great body of the party. But Seward was impossible. Americans remembered his attitude toward the nativists and the school bill when Governor, and many in the party were not ready to follow him in demanding the abolition of slavery in the District of Columbia and the repeal of the Fugitive Slave law. Chase had no real support outside of Ohio; McLean was the choice of Pennsylvania, was strong in Ohio, and not without friends in New Jersey and Illinois. But Fremont was popular and available. His exploration of the far West and his campaign in California gave him a strong hold on the people. Young, active, adventurous, good-looking, he seemed the very man to lead a young and aggressive party. Fremont, said one of his ardent supporters, is no hackneyed politician. He is fresh from the people. The laurels that crown his brow were earned in no partisan conflict. They were awarded for his achievements in science, for his intrepid character, his great discoveries in the West. Fremont opened to view and to settlement a vast empire. He scaled the Rocky Mountains, and at his bidding California sprang into being. He discovered the passes through which she has received her splendid population. The German press the country over was for him, Greeley and the *Tribune* and a host of politicians were for him, and he was practically nominated before the convention met. McLean in two letters defined his position in vain. To Cass he wrote that he had never for a moment doubted that Congress had authority to prohibit slavery in the Territories. This was thought so weak a statement that a letter was prepared with the approval of his political manager in Washington and addressed to him by Chief Justice Hornblower of New Jersey.* That he should answer it and do so speedily, his

* J. A. Bingham to McLean, June 9, 1856, McLean MSS., Library of Congress.

manager wrote, was most important,* and his reply was to be sent to Mr. Pennington at Washington. McLean did as requested; but so ill-adapted was the letter for campaign use that Allison and Pennington rewrote it. We unite in thinking, they said, that in your haste you did not make it exactly what the occasion requires. The phraseology, therefore, has been somewhat changed to give it a little more finish and piquancy. Some expressions that were stronger than the facts would warrant, others that seemed impolitic, and still others that needed amplification to give full effect to the ideas have been altered or omitted.† Thus revised, it was dated back to the fifth of June, and, unseen by the man to whom it was addressed, was given to the press.

After reminding the Irish voter that his father had emigrated from Ireland and had served in the ranks of the army of the Revolution; the men of New Jersey that he was born in Morris County, and the anti-slavery people that he grew up in Ohio under the shadow of the great Ordinance of 1787, he was made to say that the compromise of 1850 was an "ill-advised and mischievous measure," that he attributed to it the "violence, bloodshed, and civil and fraternal war in Kansas," and that he favored the immediate admission of Kansas under the Topeka Constitution.‡

On the seventeenth of June the convention was organized, and the next day the platform was reported and a motion made to take an informal ballot. Ere this was decided Patterson of New Jersey stated that Seward was not a candidate. The informal ballot was then ordered, whereupon the names of Chase and McLean were withdrawn. The Ohio delegation, surprised and indignant, denounced the act in vigorous terms, and after consultation with friends from Maine and Indiana decided to vote for McLean, though his name had been withdrawn.§

Thaddeus Stevens of Pennsylvania said that McLean

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* John Allison to McLean, June 2, 1856, McLean MSS.

† Pennington to McLean, June 12, 1856, McLean MSS.

‡ Hornblower to McLean, May 13, 1856; McLean to Hornblower, June 5, 1856, in New York Tribune, June 16, 1856.

§ Allison to McLean, June 20, 1856, McLean MSS.

was the choice of his State, and having lost her candidate he asked that the convention adjourn that the Pennsylvania delegation might confer. An adjournment till five o'clock in the afternoon was then taken. When the convention reassembled Judge Spaulding withdrew his withdrawal of the name of McLean and the informal ballot was ordered. Fremont received three hundred and fifty-nine votes and McLean one hundred and ninety-six. On the formal ballot all votes, save twenty-three from Pennsylvania and fourteen from Ohio for McLean and one from Pennsylvania for Seward, were cast for Fremont. This done, the vote was made unanimous.*

An informal ballot for Vice-President brought out fifteen names; but none save Dayton, Lincoln, Banks, Wilmot, and Sumner had any important support. Lincoln received one hundred and ten votes, Dayton was given two hundred and fifty-nine, and on the formal ballot was nominated.†

June twentieth, when the North American Convention met again at New York, the name of Banks was withdrawn, and Fremont and Johnston nominated by acclamation.‡ The platform declared for liberty and Union now and forever, one and inseparable; for freedom of the ballot box from foreign interference; freedom of conscience, of speech, and of the press; free territory and free Kansas; for improvement of river, and harbors on the Great Lakes as well as on the seaboard; and for a railroad, built with government aid, across American territory to the Pacific.§

Some of these ideas found a place in the Republican platform. That also called for the admission of Kansas under her free constitution; for a railroad to the Pacific, and for river and harbor improvements, at government expense. The "highwayman's plea that 'might makes right' as embodied in the Ostend Circular" was denounced as unworthy of American diplomacy; the power of Congress to govern the Territories, and its duty to prohibit in them

* New York Tribune, June 19, 1856.
† Ibid., June 20, 1856.
‡ Ibid., June 21, 1856.
§ New York Tribune, June 17, 1856.

"those twin relics of barbarism, polygamy and slavery," were asserted; the whole catalog of deeds of violence and wickedness in Kansas was called over; the President, his advisers, agents, apologists, and supporters were cited before the country and before the world; and a pledge was given to bring the perpetrators of the outrages to a sure and condign punishment hereafter.

Three candidates for the Presidency were now before the voters. None was in any way responsible for affairs in Kansas; and it was well for them that they were not, for every day brought a new tale of murder or outrage in that unfortunate territory. As the news of the attack on Lawrence spread over Kansas it reached the ears of the Free State men at Osawatomie, and sixty of them, led by John Brown, Jr., hurried to the aid of the beleaguered town. With them went John Brown, Sr., "old man Brown," as he was commonly called. When near Palmyra the party heard that Lawrence had been sacked. To go on was useless, so camp was made at Prairie City and then at Palmyra, for it was hoped to effect the rescue of Governor Robinson should his captors bring him by the Santa Fé road to Lecompton. While at Prairie City old Brown summoned four of his sons, his son-in-law, and two other men to go with him on a second foray, and on the afternoon of May twenty-third they left the camp.

It is commonly said, and the statement is worthy of belief, that the peace policy of Free State men found no favor with him; that the tameness with which they suffered murder after murder to go unrevenged had preyed on his mind; that he believed the time to strike back had come; and that the Almighty had chosen him to deliver the blow, and that, as Free State men had been murdered, pro-slavery men should be murdered in revenge. Those chosen to be his victims dwelt on the Pottawatomie Creek, at a place called Dutch Henry's Crossing. Thither Brown led his band, and between midnight and dawn on May twenty-fifth five men were taken from their cabins and murdered in cold blood.*

* Kansas Herald, June 7, 1856.

This horrid deed once more set the border aflame. Squatters along Pottawatomie Creek, in mass meeting assembled, denounced the act as an "outrage of the darkest and foulest nature," done "by some midnight assassins unknown," and pledged themselves to prevent a repetition of the deed and to aid in bringing the desperadoes to justice. They promised to lay aside all sectional feeling, agreed to act together like men of common sense, repudiate all organized bands of men who left their homes to excite others to acts of violence, and, if possible, restore peace and order to the neighborhood.*

These good intentions went for nothing. Everywhere accounts of the murders, grossly exaggerated, roused the Border Ruffians to fury and gave a new excuse for raiding. At Westport the editor of the *Border Times* issued an extra headed War! War! and sent it broadcast. When copies of it reached Leavenworth the town was thrown into commotion. Armed men went about the streets arresting Free State residents, and even seized witnesses who were to appear before the Congressional Commission then holding sessions in the town. The call to arms met with a quick response, and armed bands gathered at Atchison, Westport, and all the border towns. One of the first to take the field was Shannon's Sharp Shooters, led by Captain Henry Clay Pate, who, in his leisure moments, served as correspondent for the *Missouri Republican* of St. Louis.

Eager to capture old Brown, he marched with some fifty men to Osawatomie, made prisoners of John Brown, Jr., and of his brother Jason, burned the store of a German who had been concerned in the murders, burned the home of John Brown, Jr., searched several houses, and went into camp at Black Jack, not far from Palmyra, on the last day of May. That night a squad of his men looted the five or six cabins which made the town. Since the Pottawatomie massacre Brown, with some ten men, had been in hiding on Ottawa Creek,† now Prairie City, and, hearing of Pate's

* Kansas Herald, June 14, 1856.

† Redpath, correspondent of the New York Tribune, found the camp by accident and gave an account of his visit. F. B. Sanborn, Life and Letters of John Brown, pp. 294-296.

wish to meet him, secured the aid of a company of twenty-eight men and about six o'clock on Monday morning came on the camp of the pro-slavery men at Black Jack, attacked it, and captured Pate and twenty-three of his company. The rest had skulked away. "I went to take Old Brown," said Pate in the *Missouri Republican,* "and Old Brown took me." *

Meantime both parties rushed to arms. Pro-slavery men from Westport, Lexington, Independence, led by Whitfield, the territorial delegate to Congress, entered Kansas, and on the third of June camped at Bull Creek, twelve miles from Palmyra. Free State companies, the Lawrence Stubbs, the Prairie City Company, the Bloomington Rifles, the Waukarusa Boys, the Blue Mound Infantry, all told one hundred and fifteen men, gathered near Palmyra. Shannon issued a warning proclamation and, what was far more effective, sent Colonel Sumner with fifty dragoons to prevent a fight.

The camp of Brown was first visited, and Pate and his men released. Whitfield and a body of two hundred and fifty men were found some two miles away and ordered to quit the territory. They went and on the way pillaged Osawatomie of what little it contained.

Driven from Kansas for the time being, the Missourians turned their arms against the emigrants then pouring into the territory. Those from the North began to move in March, when a pioneer party of twenty started from Springfield, to be followed by others each week.† At Columbus, Ohio, a mass meeting to promote emigration called for volunteers and appointed a committee to raise funds.‡ At New York City the American Settlers Company called a Kansas meeting and collected funds to aid a settlement at Council City.§ Meanwhile a colony was forming at New Haven, and to this Henry Ward Beecher wrote and sent twenty-five

* L. W. Spring, Kansas, p. 156; New York Tribune, June 10, 1856, gives an account of the fight; Kansas Herald, June 7, 1856; Nebraska City News, June 14, 1856.

† National Intelligencer, March 24, 1856.

‡ New York Tribune, March 24, 1856.

§ National Intelligencer, March 28, 1856.

Bibles, the gift of a parishioner. "It is a shame," he wrote, "that in America, amidst our free institutions, anything else should be needed but moral instrumentalities. But you do need more. You will be surrounded by men who have already committed the wickedest wrongs and most atrocious crimes. To send forth companies of men with families amidst those who have been bred to regard helplessness as a lawful prey is cruelty. I send you, therefore, the arms required for twenty-five men." * On the last day of March, all being ready, there was a great meeting at New Haven, prayers were offered, good-bys were said, and the colony of sixty persons was escorted to the boat that bore it to New York.† As the news of Beecher's act spread over the country Beecher's Bibles became a synonym for Sharp's Rifles. Seventy men, eight women, and many children from the interior of Ohio left Cincinnati early in April.‡ A St. Louis paper declared that since the opening of the river five hundred emigrants had come from the Ohio River to that city bound for Kansas.§ Among them was the Octagon Settlement Company, formed at New York by fifty-five families numbering two hundred persons. They had a capital of twenty-nine thousand dollars and had chosen a site of four square miles on the Neosha River near the Southern boundary. In the center of the plot was to be laid off an octagon of some three hundred acres to be used for town buildings, stores, schools, and mills. From each angle and each side of the octagon roads were to radiate, cutting the tract into sixteen farms. Where each farm touched the central octagon was to be a farm house. With them went the Vegetarian Settlement Company, formed on much the same plan.¶ The New York State Kansas Committee announced that a party had left Albany, that another would go in a

* New York Tribune, April 4, 1856.

† Ibid.; also National Intelligencer, April 3, 1856, quoting the Boston Atlas.

‡ Cincinnati Gazette, April 9, 1856.

§ St. Louis News, March 21, 1856.

¶ National Intelligencer, February 9, 1856, quoting the New York Evening Post. Their arrival at St. Louis is mentioned in St. Louis Democrat, March 26, 1856.

few weeks, and that tickets from Albany, Utica, Syracuse, or Rochester to Kansas City would be supplied to emigrants for twenty dollars.*

To the men along the border the emigrants who swarmed across Missouri seemed an unending host, an army of fanatical Abolitionists armed with Beecher Bibles and bent on driving every pro-slavery squatter out of Kansas, and making it by force a free State. This wicked purpose must be stopped, and the only way to stop it was not to suffer an armed man or a Sharp's rifle to enter Kansas. The *Squatter Sovereign* suggested that the Border Ruffians establish a quarantine somewhere between St. Louis and Kansas City, and stop and search all steamboats and turn back the political paupers lest they taint the air of Kansas by their presence.† Acting on the suggestion, Atchison, Stringfellow, Jones, and men of lesser note laid a strict embargo on the Missouri River. Steamboats were boarded and searched, suspicious-looking boxes of freight were broken open, and travelers stopped and even sent down the river with a warning never to return. Against all this a public meeting of Kansas merchants, held at Lawrence, protested. They complained of the opening and searching of their goods, of the stealing of their property, of the degrading treatment of themselves by organized bands of lawless men along the Missouri River, of the unjust and oppressive tax levied by a combination of steamboat owners of twenty-five cents a hundred pounds on goods carried to Leavenworth over and above the usual rates to Kansas City, and appointed a committee to seek redress. It was to go to Alton, Illinois, and urge the establishment of a steamboat line from that town direct to Leavenworth, and then visit Chicago, Cincinnati, and Pittsburg and confer with the business men of those cities.‡ The committee was everywhere well received. At Alton it was resolved by a public meeting that the illegal seizure and search of persons and goods in transit on the Missouri River was a violation of the rights of citizenship;

* New York Tribune, April 21, 1856.
† Squatter Sovereign, February 19, 1856.
‡ Kansas Free State, April 7, 1856.

that emigrants would be treated liberally and the people would do all in their power to sustain a line of steamers to Kansas.*

Late in June a party of seventy-eight men, volunteers recruited at Chicago by the Kansas Aid Meeting, came to Alton, and took the steamer *Star of the West* for Leavenworth. They were supposed to be unarmed, but just as the boat was about to leave they entered a warehouse and brought out a quantity of Holt's carbines. At Lexington Sheriff Jones with some thirty South Carolinians seized the guns and gave a receipt for them. On the way up the river Atchison and Stringfellow came on board, told the emigrants that orders had been issued to disarm all parties, and ordered them to go home. At Leavenworth a further search was made, pistols, bowie knives, and revolvers were found, and the men in consequence were forbidden to land, and were taken back under guard to Alton.† At Brunswick, Waverly, Lexington, Wayne City, Liberty Landing, Delaware City, and Leavenworth armed bands kept watch and searched and plundered every Free State company. At Lexington and Delaware City cannon were planted on the river banks and every steamboat was forced to round to and be searched. On one occasion emigrants from Ottawa, Illinois, were stopped at Leavenworth, their plows, scythes, and implements seized and deposited in the warehouse of Majors and Russell. The party was then sent down the river.‡ A company from Worcester left St. Louis late in June. It numbered some forty men and two women, was led by Dr. Cutler, and brought along an assortment of agricultural tools. Unhappily a few members had guns to be used for defense. At Waverly the boat was searched and the guns taken, and at Leavenworth the emigrants were not allowed to land, and were forced to go back to Illinois.§

* Kansas Free State, April 25, 1856.

† New York Tribune, July 4, 1856; Weston Reporter, June 27, 1856, quoted by National Intelligencer, July 10; St. Louis Republican, quoted by National Republican, July 8, 1856; Squatter Sovereign, quoted by New York Tribune, July 14, 1856.

‡ New York Tribune, July 17, 1856; Kansas Herald, July 5, 1856.

§ National Intelligencer, July 12, 1856.

The *Squatter Sovereign* believed that if the citizens of Leavenworth would hang one or two boat loads of Abolitionists it would do more to make peace in Kansas than all the speeches in Congress, and hoped the experiment would be tried. Closure of the Missouri changed the route, but did not check the stream of emigrants. Thenceforth the way lay across Iowa and Nebraska.

The war which followed the sack of Lawrence spread ruin over Kansas. Warned to expect nothing but strife, the Free State settlers broke up their houses, abandoned their undertakings, and suffered their crops to go to wreck and ruin, and retired to the southern part of the territory. Along the roads little else was to be seen than deserted cabins and abandoned farms. Bands of guerillas, drawn from both parties, traversed the country, burning, robbing, plundering, shooting. If the Free State men were to keep up the contest they must, it was plain, be helped by the North. What can we do for Kansas? became the question of the hour. The answer was, form aid societies and collect money, clothing, and provisions. Such societies, accordingly, were formed by scores. But where to send and how to send their contributions few knew. State Central Committees were, therefore, organized to receive and forward supplies, and from those in New York, Pennsylvania, Ohio, and Michigan came a call for a convention of delegates from aid societies over all the free States to meet at Cleveland late in June.* So few came that it adjourned to Buffalo, where it reassembled early in July, appointed a National Kansas Committee of one from each State, and of five others who were to reside in Chicago, and asked for one hundred thousand dollars a month to help the sufferers in Kansas.†

As June wore away and the meeting of the Free State legislature drew near fears were entertained that it would never be allowed to assemble. Since the March day whereon it adjourned the prospects of the party in Kansas had changed for the worse. Robinson, the Governor, was a pris-

* New York Tribune, June 14, 1856. The Convention met June 20-21.

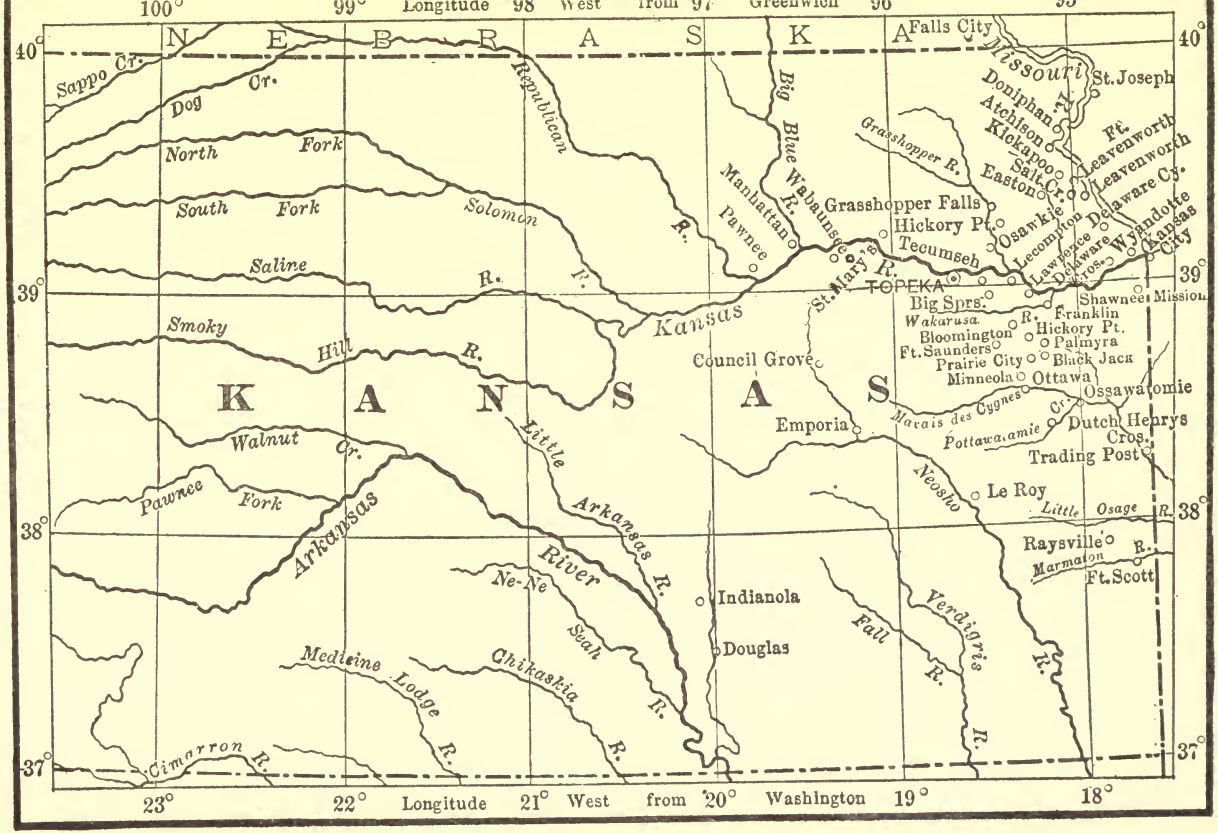
† Ibid., June 23 and July 11, 1856.

oner at Lecompton; Roberts, the lieutenant-governor, was in Washington; Lane dared not enter the Territory, for a warrant was out for his arrest; Governor Shannon had left with the intention of resigning, and his duties had devolved on Secretary Woodson, a bitter hater of Free State men. A guerilla war was raging. Should the legislature be driven from Topeka by the Border Ruffians, the Free State party would be prostrate. That it should meet and that, if it did, protection must be given seemed to admit of no doubt. But the leaders, who in this time of trial should have been at the front, were gone. Some men of influence, therefore, came forward and called a mass convention at Topeka on the third of July to take into consideration the state of the Territory. Their real purpose was to afford an excuse for a great gathering of Free State men who would be ready to protect the legislature if necessary. To spread the call was difficult, for the Free State newspapers had been destroyed or, deprived of paper by the blockade of the Missouri, had been forced to suspend,* and messengers could not be depended on while the roads swarmed with guerillas.

Nevertheless, the attempt to rouse the people was made, and on the third of July fifteen hundred men were camped in and around Topeka. The mass convention was held out of doors on the third, and on the morning of the fourth of July adopted some resolutions, appointed some committees, and exhorted the legislature to meet at the appointed hour.

Colonel Sumner, fearing trouble, had come up with several companies of dragoons from Fort Leavenworth, and camped south of Topeka, and by his order four companies from Fort Riley had taken position north of the town. These troops, shortly before twelve o'clock on the fourth of July, surrounded the hall where the legislature was to meet, and Sumner entered the building and went up to the platform in the Assembly Chamber. A chair was offered him; but he pulled it to one side, saying good-humoredly: "Do you want to make a speaker of me?" The speaker

* Phillips, Conquest of Kansas, p. 393.



Eastern Kansas, 1854–1857.

was absent, but the clerk called the roll, and when it was found that no quorum was present sent the sergeant-at-arms after the absentees. On the second calling, though there was more than a quorum in the room, only seventeen answered. Sumner then rose, said that the duty he was about to perform was the most painful of his whole life, and bade the members disperse. "Such are my orders," said he; "you must disperse. I now command you to disperse."

The members obeyed and Sumner went out, mounted his horse, and was about to ride off with his men when he was reminded that he had not scattered the Senate. To the Senate room he accordingly went, and, finding that body had not as yet convened, told the members without ceremony that he was there to disperse them. Once more in the street he announced that he had no orders to meddle with the convention, and, with cheers for Colonel Sumner, John C. Fremont, the Topeka convention, and the Free State legislature ringing in his ears, rode away with the dragoons.*

In Congress by this time the struggle over Kansas had brought about a deadlock between the two houses. Since the March day when Douglas reported his bill to the Senate some amendments had been offered and some other Kansas bills had been introduced. But the Senate sent them back to the Committee on Territories, bade it report five days later, and received from Douglas what was in substance a bill introduced by Toombs.

It provided that a commission of five men appointed by the President and representing all parties should take a census of voters, and make a fair apportionment of delegates to a convention to frame a constitution; that after the apportionment the commissioners should hear complaints and correct errors in the list of qualified voters, a list which must have been previously printed and posted in three public places in each election district; that corrected copies should be given to the judges of election and posted in each voting place; and that no one whose name was not on the list should vote. Delegates were to be chosen on the first

* Kansas Tribune, July 9, 1856.

Tuesday after the first Monday in November; the convention was to meet on the first Monday in December, and before proceeding to business must decide whether it was or was not expedient for Kansas to enter the Union at that time. If the answer were yes, then a State constitution might be framed. Passage of the bill was vigorously resisted by a little band of a dozen Senators. Unable to defeat they strove to amend it; but in vain, and at eight o'clock on the morning of the third of July, after an all day and all night session, the Senate passed the bill. The House gave it no consideration.

The determination of Colonel Sumner to drive all armed bands from the Territory forced both parties to gather in towns, camps, or blockhouses. Free State men betook themselves to Osawatomie, Lawrence, and Topeka. Pro-slavery men fortified a camp at Franklin, built blockhouses near Osawatomie, and on Washington Creek, a few miles from Lawrence, and had another at the house of Colonel Titus, not far from Lecompton. Sallying from there, they scoured the country round about, stopped emigrants and travelers, stole horses and cattle, and destroyed crops and buildings. Complaints of their marauding gave the Free State an excuse for a renewal of the war. A party from Lawrence attacked the blockhouse held by some Georgians near Osawatomie, drove out the garrison, burned the fort, and carried off some plunder. Franklin was next attacked. The fight was spirited, lasted three hours, and did not end till the Free State men pushed against the blockhouse a cart loaded with hay and were about to set it on fire. Then the inmates threw down their arms and fled, leaving behind the cannon that had battered the Free State Hotel at the memorable sack of Lawrence. So great was the panic which now seized the Law and Order party that three days later, when the men from Lawrence appeared before the Georgian camp called Fort Saunders on Washington Creek, the occupants of the blockhouse fled in hot haste, and much property stolen at the sack of Lawrence fell into the hands of the victors.

The last to be captured was the fortified house of Colonel

Titus. "Fort Titus," as it was called, stood near Lecompton, the headquarters of Shannon, the chief city of the pro-slavery party, and hard by the camp where United States troops guarded the treason prisoners. To attack under such conditions was bold; but Captain Walker with four hundred men and the cannon taken at Franklin, loaded with slugs made from the type of the *Herald of Freedom,* appeared before the fort one morning at sunrise, captured Titus and some eighteen others, burned the house, and with his prisoners went back to Lawrence.

On the day following Governor Shannon visited Lawrence and made a treaty with the Free State leaders. He agreed that no more arrests would be made under the laws of the Territory, that five men lately imprisoned should be set free, and that the arms and cannon captured and the howitzer taken from Lawrence should be returned. On these terms Titus and his companions were released.

It was then the seventeenth of August. On the twenty-first Shannon received notice of his removal, and the duties of Governor passed into the hands of Secretary Woodson, a bitter, uncompromising pro-slavery man. From him came a proclamation declaring the territory in a state of open insurrection and rebellion, and summoning law-abiding citizens to rally to the support of their country and its laws.*

The call met a quick response, and an army was soon gathered at New Santa Fé. The pro-slavery men now attacked Osawatomie, drove out John Brown, and burned some houses. The Free State men marched from Lawrence to Lecompton, surprised its defenders, and secured the release of the men arrested for participation in the attack on Franklin. A band of Missourians now sacked the houses and shops of Free State people at Leavenworth, drove them on board two steamboats, and sent them to St. Louis. A band of Free State men in revenge started to attack Leavenworth; but while on the march the new Governor, John W. Geary, arrived, and the marauders were recalled.

Geary reached Leavenworth on the ninth of Septem-

* The proclamation is given in full in Robinson's The Kansas Conflict, pp. 314-315.

ber, went at once to Lecompton and issued a proclamation. A large body of volunteer militia, he said, had been called into service by the late acting governor. Employment of such troops was not authorized in his instructions unless requested by the commander of the military department in which Kansas lay. It was, therefore, ordered that they be discharged, and all bodies of armed men assembled without authority of the government were commanded to disband or quit the Territory or disobey at their peril.* The Adjutant-General was then ordered to disband and disarm the militia, and the Inspector-General to take charge of the arms.† The orders were issued none too soon, for a pro-slavery army, twenty-seven hundred strong, led by Reid, Atchison, Stringfellow, Titus, Sheriff Jones, Whitfield, the territorial delegate, and Heiskell, the commander of the militia, was already on its way from Westport to Lawrence. September fourteenth it camped on the Waukarusa while an advance body of three hundred were at Franklin. Urgent appeals for aid were hurried to Geary and Lieutenant-Colonel Joseph E. Johnson, and the Federal troops were once more hurried to Lawrence. Geary followed a little later on the morning of the fifteenth, visited the camp of the Missourians, gathered the leaders, read his instructions, and, despite much murmuring, abuse and threats, persuaded them to disband and go home, which they did, plundering as they went.

"Peace," so Geary wrote the Secretary of War, "now reigns in Kansas, confidence is gradually being restored. Settlers are returning to their claims, citizens are resuming their ordinary pursuits, and a general gladness pervades the community." ‡

The campaign for the Presidency was then nearing its close; yet, late as it was, another national convention had just been held at Baltimore. Whigs in Kentucky had called for one earlier in the year. But at an Old Line Whig meeting at Washington in June postponement till the last

* Gihon, Geary and Kansas, pp. 126-127.
† Ibid., pp. 134-135.
‡ Geary to Marcy, September 30, 1856.

Wednesday in July was recommended.* It did not, however, meet till September seventeenth, when delegates from free and slave-holding States assembled and endorsed Fillmore and Donaldson. The resolution which did duty as a platform set forth the unalterable love of Whigs for the Union. They had no new principles to announce, no new platform to establish, but were content to broadly rest where their fathers rested, on the Constitution, wishing no safer guide, no higher law. They saw with deepest anxiety this present disordered state of national affairs and traced these calamities to the culpable neglect of duty by the present administration. Absolute avoidance of geographical parties was a fundamental principle of their political faith. The danger so clearly seen by the Father of his Country had now become fearfully apparent in the agitation which convulsed the nation, in the strife between two parties, one claiming to represent sixteen Northern States, and the other appealing to the passions and prejudices of fifteen Southern States. The only remedy was the support of a candidate pledged to neither geographical party, but holding both in equal regard, and such a candidate they found in Millard Fillmore. It was enough to know that civil war was raging, that the Union was in peril, and that his election would furnish the only means of restoring peace.†

That he could be elected was never for a moment believed by any one; but his supporters were bitter opponents of the Black Republicans, and in the campaign they strove to defeat Fremont by preventing a fusion of North Americans with Republicans. He was, therefore, declared to be a Roman Catholic, because his father was a Catholic from France; because he was educated at a Catholic school at Charleston, South Carolina, and had been married by a Catholic priest to a Catholic woman. He was a Catholic because his adopted daughter was educated in the Roman Catholic College at Georgetown, in the District of Columbia; and because when on his expedition across the plains in 1842 he cut a cross on Independence Rock after the

* Geary to Marcy, September 30, 1856.

† National Intelligencer, September 18, 19, 20, 1856.

manner of all Roman Catholic explorers.* Much was made of this fact, and history was ransacked to prove that it was the invariable custom of Roman Catholic discoverers and explorers wherever they landed in the old world or in the new to plant the cross as a mark of title to the soil. Cartier erected one on the Island of Newfoundland, on the shores of Gaspé Bay, on the site of Montreal, and so did De Soto, and Hennepin, Marquette and Joliet, and La Salle on the banks of the Mississippi, and the Jesuit fathers on the shores of the Great Lakes, and so did another Roman Catholic explorer, John Charles Fremont, when he cut the symbol of the cross on Independence Rock. Did Francis Drake erect a cross in California? Oh, no! Did the Pilgrims cut a cross on Plymouth Rock? Oh, no! Did the Dutch put up a cross on Manhattan Island, or the English at Jamestown? Oh, no! Did Herndon or Stansbury in the course of their travels? Oh, no! Neither would Fremont have cut the symbol of the Christian faith on Independence Rock had he not been a Roman Catholic.† Are you willing, it was asked, to risk the great principles of the American party in the hands of such a man? Ours is a Protestant Government, and our President should be a Protestant, to enforce our Protestant laws and Constitution. Liberty of religion, liberty of thought, liberty of conscience, are the sure bulwarks of the liberty of government, and if you have these great principles at heart you cannot vote for Fremont.

He is, it was said again, a pro-slavery man. As Senator from California he drew the short term and served just twenty days. Four of these were Sundays. His working term, therefore, was sixteen days, and during them he cast three pro-slavery votes. The first was against Seward's bill providing that slavery should forever cease within the District of Columbia and that all held in bondage should

* Narrative of the Exploring Expedition to the Rocky Mountains in the year 1842, and to Oregon and North California in the years 1843-44. By Brevet-Captain J. C. Fremont, p. 47.

† Some of the campaign pamphlets containing this charge are: The Romish Intrigue; Fremont a Catholic!!; Colonel Fremont's Romanism; Colonel Fremont's Romanism Established; The Romanism of Fremont as Demonstrated by His Own Acts.

be set free. The second was against Hale's motion to send a bill to prevent assisting slaves to escape from their owners in the District of Columbia to a committee with instructions to so amend it as to abolish slavery in the District. The third was against a bill to repay the American Colonization Society the cost of sending to Liberia slaves taken from a slaver. Do these votes show any devotion to anti-slavery principles? Would a sound and true Republican vote with Atchison, Douglas, Mason, Soulé, against anti-slavery measures voted for by Chase, Dodge, Hale, and Seward? Yet Fremont did so. You say he has made promises. Can you trust the promises of a Jesuit? Can you trust a man who professes to a Papist that he is a Papist, and to a Protestant that he is a Protestant, and all to obtain power? If Fremont will play false to his religion to get the Presidency, will he not play false in other things to keep it?

North Americans were reminded that Fremont was the candidate of the Germans and, therefore, of all foreigners. No sooner did the Pittsburg Convention adjourn, it was said, than the *Abend-Zeitung* of New York came out for him, and was followed by the German press the country over. How can the same man be acceptable to Americans, foreigners, and Catholics? The three are antagonistic in politics.

There were good reasons, the Republicans held, why the naturalized citizens should vote for Fremont. You have come, it was said, from every country in Europe from Sicily to Norway. You have fled from the overcrowded, the oppressed old world to us, and have become part of us. Our welfare is yours, and your welfare is ours, and nothing touches your welfare more deeply than your right to prosper by your industry and thrift, as free men. Can you do so on slave soil? Can you compete with slave labor? There is not a spot on earth where free labor flourishes and is respected beside slavery. Slavery degrades labor, for where it exists all who toil are no better than slaves. To give up Kansas to slavery, therefore, is to close it to the immigrant, the naturalized citizen. And what a territory it is! Eighty-

one million acres in area, it is three times as large as New York, four times as large as Ireland, and more than one-half as large as Germany and all her dependencies. Is not such a magnificent domain worth holding for freedom? * Will Fillmore keep it open if elected? He could not, for he is the candidate of the South Americans, the slave owners, and pledged to do nothing to make it free soil. Fremont is the friend of the poor and, therefore, opposed to extending slavery. Fremont is in favor of keeping the Territories open to honest workingmen, and opposed to giving them over to slave-holding aristocrats who despise laboring men, and would, if they could, rule them with bludgeons, whips, and pistols. Fremont is in favor of a railroad to the Pacific, a great work, the building of which will for years give employment to all the laboring men in the country.

Fillmore declared that the Republican party was sectional and that the election of Fremont would be followed by the secession of the South. He had just come home from a trip abroad, and when on his way from New York to Buffalo was given a hearty reception in almost every town he passed through. At Albany he said to the crowd that came to welcome him, "We see a political party presenting candidates for the Presidency and Vice-Presidency, selected for the first time from the free States alone, with the avowed purpose of electing their candidates by the suffrage of one part of the Union only, to rule over the whole United States. Can it be possible that those who are engaged in such a measure can have seriously reflected upon the consequences which must inevitably follow in case of success? Can they have the madness or the folly to believe that our Southern brethren would submit to be governed by such a chief magistrate? Would he be required to follow the rule prescribed by those who elected him in making his appointments?" These he thought were serious and practical questions, and to understand them fully it was only necessary to turn the tables "on ourselves." Suppose that the South,

* Speech of David Dudley Field at Troy, New York.

having a majority of the electoral votes, should declare that it would have none but slave-holders for President and Vice-President, and should elect such to rule over the North, "Do you think," he asked, "that we would submit to it? No! Not for a moment." Therefore, it was plain that "if the Sectional party succeeds it leads inevitably to the destruction of this beautiful fabric reared by our forefathers, cemented by their blood, and bequeathed to us as a precious inheritance." *

He was promptly reminded that this was not the first time that a party had selected candidates from the free States. Had he forgotten that when the great party he so much admired was rent in twain in 1828 the Northern wing presented Adams of Massachusetts and Rush of Pennsylvania, and the Southern wing Jackson of Tennessee and Calhoun of South Carolina? Had he forgotten that in 1836 the Whig candidates were Harrison of Indiana and Granger of New York, and that at that election South Carolina voted for Mangum of North Carolina and Tyler of Virginia, and Georgia and Tennessee for White of Tennessee and Tyler of Virginia? † Who, then, was the "Sectional party"? Which of the sectional candidates did he vote for in 1828? He was not the only one, however, who declared the Union was in danger. Toombs believed "the election of Fremont would be an end of the Union and ought to be. The object of Fremont's friends is the conquest of the South. I am content that they shall own us when they conquer us, but not before." ‡ The Republican party, said a stump speaker, is sectional, and its success must, in our judgment, lead to a severance of the Union. I appeal to every Old Line Whig to avert this calamity. The South cannot and will not remain in the Union unless its rights are guaranteed. If we were in the same situation we would demand our rights

* The Great Fraud by Which Pennsylvania Is Sought to Be Abolitionized in October and November.

† Judge Marsh's Reasons for Voting for Fremont, p. 3. Judge Marsh presided over the Convention which nominated Fillmore.

‡ Letter of Toombs to a friend in Virginia, July 8, 1856; New York Tribune, August 18, 1856; also Two Chapters from Oligarchy and Hierarchy, p. 119.

in tones as mandatory as those of our Southern brethren.* In Georgia, on July fourth, one toast drunk to was "The Union—may it speedily be dissolved and the Hon. P. S. Brooks be the first President of the Southern Republic," and another, "General Atchison—hoping that he may live to see Kansas a State in the Union, or out of the Union." At Atchison City on that day the toast was, "The City of Atchison—may she before the end of the year 1857 be the capital of a Southern Republic." † The Richmond *Enquirer* believed "the election of Fremont would be certain and immediate disunion," ‡ and marked out the lines of separation. It would run across Southern Ohio, Indiana, and Illinois, and the new Republic would in all probability include Pennsylvania. Senator Slidell did not hesitate to declare that if Fremont were elected the Union could not and ought not to be preserved,§ and Senator Mason that, should the Republicans succeed, but one course remained for the South, and that was immediate, absolute, eternal separation.¶ An Alabama editor, speaking for his friends, said they would look on the election of Fremont as the breaking of the bonds of the Union, to be followed by immediate Southern action for the formation of a new government. Southern members of Congress instead of going to Washington should go to their State capitals, and take counsel with their Governors and legislatures as to what was best to do.|| A Virginia editor asserted that the Union could not last one hour after the end of Pierce's term should Fremont be elected President. If the Republican party, Rufus Choate wrote to the Maine Whig State Central Committee, accomplishes its purposes I turn my eyes from the consequences. "To the fifteen States of the South that government will appear an alien government. It will appear worse —it will appear a hostile government. It will appear to

* Speech of Josiah Randall, of Philadelphia, at Chambersburg, August 6, 1856.

† Two Chapters from Oligarchy and Hierarchy, p. 119.

‡ Richmond Enquirer, August 29, 1856.

§ New York Evening Post, September 11, 1856.

¶ New York Times, October 14, 1856.

|| National Intelligencer, September 30, 1856.

their eyes a vast region of States organized upon anti-slavery, flushed with triumph, cheered onward by the voices of the pulpit, tribune, and press; its mission to inaugurate freedom and put down the oligarchy; its constitution the glittering and sounding generalities of natural right which make up the Declaration of Independence." * Tyler declared "it is quite sensibly felt by all that the success of the Black Republicans would be the knell of the Union." † Wise of Virginia did not believe if Fremont were elected the Union would last one year after November. The South would not submit to a sectional election of a Free Soiler or Black Republican.‡ Indeed, so strongly did he feel on this matter, so doubtful was he of the result of the campaign, that he proposed that the Governors of the fifteen slave-holding States meet at Raleigh in October, and decide what to do if Fremont were elected. The meeting was actually held; but only three Governors attended. Buchanan daily received letters from Southern men explicitly stating that immediate disunion would follow the election of Fremont.§

If disunion follows the election of Fremont, was the reply to the threats of the Buchaneers, it will not be by act of the Republicans. The threatenings of the Buchanan and Fillmore parties mean but one thing, that they will destroy the Union if a majority of the electors vote for Fremont, that they will break down the great principle of democracy that the majority shall rule. The danger, if any, to the Union comes from the Slavocracy. Rule or Ruin is its motto.¶

Supporting Fremont were the Northern pulpits, the Northern religious press, Northern scholars, and, almost without exception, Northern men of letters. Longfellow wrote that he had given up a trip to Europe that he might vote for Fremont.|| Willis, who had never in his life cast

* S. G. Brown. Life of Rufus Choate, p. 321.
† Tyler. Letters and Times of the Tylers, Vol. 2, p. 532.
‡ Ibid., p. 531.
§ Curtis. Life of James Buchanan, Vol. 2, p. 182.
¶ New York Evening Post, September 20, 1856.
|| Longfellow's Life of Longfellow, Vol. 2, p. 282.

a ballot, announced that his first vote should be for the Republican candidate.* Irving gave a like promise.† Bryant ‡ and Emerson and George William Curtis made stump speeches. One delivered by Curtis before the students of Wesleyan University made a great stir in its day and brought out some answers.§

Never in any previous campaign had such a flood of hand bills and pamphlets poured forth as were now scattered broadcast by Republican organizations. Some were reprints of speeches in Congress, as Sumner's Crime against Kansas, Seward's Dangers of Extending Slavery, and that of Colfax on the Laws of Kansas. Some were appeals to the workingmen, as Southern Slavery reduces Northern wages, The Poor Whites of the South, Immigrant White Free Labor, or Imported African Slave Labor. Some bore such titles as Will the South Dissolve the Union? Who are Sectional? The Federal Union, Must it be Preserved? The Democratic Party as it was and as it is. Some were addressed to the German voter and printed in his language, and still others to the friends of Kansas and covered every phase of the Kansas issue.

Rocky Mountain Clubs, Pioneer Clubs, Fremont and Freedom Clubs were formed, and night after night the streets of the great cities and towns were gay with processions of young Pioneers singing campaign songs, and carrying torches, axes, and transparencies inscribed "We'll take the Buck by the horns," "Free Labor, Free Speech, Free Men, Free Kansas, Fremont," "Gegen Ausbreitung der Sklaverei," "Freie Rede, freie Presse, freier Boden, freie Menschen," "Für freies Kansas und freie Arbeit."

Great mass meetings were held, outdoing in enthusiasm and in numbers the famous gathering of the Log Cabin Campaign. A hundred thousand, it was estimated, were present at one in Pittsburg. Twenty thousand heard

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* New York Times, October 8, 1856.

† Ibid., November 1, 1856.

‡ New York Tribune, July 19, 1856.

§ The Duty of the American Scholar to Politics and the Times. New York Weekly Tribune, August 16, 1856.

Banks' speech from the balcony of the Merchants' Exchange on Wall Street. But the most fruitful meetings were those held in a hundred little cities and towns from Maine to Wisconsin, addressed by the ablest speakers the party could command. None entered the slave States, for, save in Delaware, they would surely have been molested. So bitter was the feeling that in Virginia a man who attended the Philadelphia convention was driven from the State, and Botts, who denied that if Fremont were elected the South would secede, was ordered by the Richmond *Enquirer* to leave the State at once and not "provoke the disgrace of lynching." *

The great struggle was in Pennsylvania. As the politicians saw the situation the Fillmore movement was a conspiracy to elect Buchanan, to mislead honest men to throw away on him votes which would otherwise go to Fremont and Freedom, for what possible chance had the South American candidate, nominated and deserted by the South, of getting a single electoral vote? The slave-holding States had one hundred and twenty votes, and every one of them would be cast for Buchanan. Add to those the four of California, and he would have one hundred and twenty-four, and, as one hundred and twenty-nine were necessary for a choice, the twenty-seven of Pennsylvania would make him the next President.† Could he have them? The western half of the State was overwhelmingly for Fremont; but the eastern half was just as enthusiastic for Buchanan. Both parties, therefore, bent all their energy to carry the State, and sent in speakers, documents, and money. Republican speakers had much to say about Bleeding Kansas, the repeal of the Missouri compromise, and the danger to free labor if slavery were extended. The followers of "Buck and Breck" raised the cry of "Save the Union," and drew a dismal picture of what would be the condition of the North after the South left her. Robert J. Walker was sure there could be no peaceable secession. "How could it be peaceable?" he asked. "Who was to have the army, the

* Richmond Enquirer, September 23, 1856.

† Letters of Judge Ephraim Marsh, Facts for the People, No. 1.

navy, the national flag, the public treasure, the public lands, the Capitol?" War, civil war, would surely attend the separation, and when it was effected the financial and industrial ruin of the North would be overwhelming. There would be total non-intercourse, absolute prohibition of imports and exports. The trade of the South would find new channels, and three million men in the North would be thrown out of employment and, with their families, reduced to starvation. Northern steamboats and railroads would no longer carry Southern passengers, Northern business houses with Southern customers would be forced to close, hundreds of vessels would lie idle at the wharves, commerce would perish, and credit decay.* Nearly a million dollars, it was estimated, were spent by the two parties. The Democrats gathered money from Wall Street brokers, from workmen in the Brooklyn Navy Yard, from clerks in the New York Custom House, and in the department at Washington,† and from partisans as far away as North Carolina and Illinois. Republicans asserted that upward of a hundred and fifty thousand dollars were collected in the slave States and sent into Pennsylvania.‡ It is certain that an appealing circular went out from Raleigh asking for money to save the Keystone State,§ and that liberal contributions were made by men in Philadelphia. Nor were the Republicans less generous than the Buchaneers. They, too, sent money from New England ¶ and New York, though little seems to have been supplied by the Pennsylvanians. Stephens complained that Northern merchants who had grown rich out of the South were "shelling out their money like corn to oppress us," || and Greeley that "we Fremonters" who had not one dollar where the Fillmoreans and Buchaneers had ten

* An Appeal for the Union, Letter of Robert J. Walker to the Democratic Committee of Pittsburg, September 30, 1856.

† New York Tribune, October 2, 11, 1856; New York Evening Post, October 21, 1856.

‡ New York Evening Post, October 21, 1856.

§ Copied by the New York Times, October 24, from Raleigh Register, October 22, 1856.

¶ C. F. Congdon. Reminiscences of a Journalist, p. 153.

|| R. M. Johnston and W. H. Brown. Life of Alexander H. Stephens, p. 316.

each were forced to carry New Jersey and Pennsylvania. We must, said he, supply them with documents, canvass them with our best speakers, and pay for the rooms they speak in, for each State, so far as money is concerned, is utterly miserable.*

The fruit of this costly labor was gathered when the election for a few State officials was held in October. Two tickets were before the voters: that put up by the Democrats, and the "Union" framed before the national conventions met, and containing the names of Whigs, Americans, and anti-Nebraska Democrats. When all the returns were in the Buchaneers, it was found, had won by a majority of three thousand in a vote of four hundred and twenty-three thousand. On the same October day on which the Republicans met defeat in Pennsylvania they suffered a like disaster in Indiana. This ended all hope of electing Fremont; and, when the fourth of November came, not only all the slave States, save Maryland, were carried by the Democrats, but also Pennsylvania, New Jersey, Indiana, Illinois, and California. Maryland gave her vote to Fillmore.†

The election over and settled, the North once more became interested in affairs in Kansas. Contributions to the *Tribune* Kansas Fund came pouring in till they amounted to over twenty thousand dollars, and ninety thousand more was collected by the National Aid Society.‡ Nearly two hundred and fifty barrels and boxes of clothing for the free State sufferers were sent from Boston. From New York

* Greeley to Pike, August 6, 1856; James S. Pike, First Blows of the Civil War, p. 346.

† The popular vote was: Buchanan, 1,838,169; Fremont, 1,341,264; Fillmore, 874,534. In the free States the vote for Buchanan was 1,226,290; for Fillmore, 394,642. In the slave States Buchanan received 611,879; Fillmore, 479,892, and Fremont, 1,194, of which 308 were cast in Delaware, 281 in Maryland, 291 in Virginia and 314 in Kentucky. The States carried by Buchanan gave him 174 electoral votes; those carried by Fremont gave him 114.

‡ The National Kansas Committee reported that up to January 1, 1857, it had received $90,000 and spent $81,000. Massachusetts gave $27,000; New York, $33,000; Illinois, $10,000; other sources, $20,000. The Committee forwarded 2,000 emigrants by way of Iowa and Nebraska, and had received 763 boxes of clothing sent, chiefly, by women. New York Tribune, January 27, 1857.

came very little; from New Jersey and Pennsylvania nothing. Chicago, it was said, had done more to help the sufferers than all the middle States put together.* At Stamford a public meeting proposed that forty-two thousand seven hundred and fifteen dollars, or one for every vote cast in Connecticut for Fremont, be raised by public subscription,† and on Thanksgiving Day collections were taken in the churches wherever the day was observed. Vermont voted twenty thousand dollars, but when the Governor notified Geary that it would be sent "upon full and satisfactory proof of the necessity" Geary replied that he knew of no need for the money.‡

To him Kansas seemed on the high road to prosperity. In his opinion all was peace and quiet. He had driven out the Missouri invaders, dispersed the free State army, suppressed the marauders, and, he believed, almost put an end to crime. "I can truthfully assure you," he wrote Marcy on the last day of the year, "that in proportion to her population" there is less crime in Kansas than in any other part of the United States.§ But trouble now beset him, and in two months he threw down his task in disgust and followed Reeder and Shannon into private life.

* New York Tribune, November 18, 24, 1856.

† Ibid., November 29, 1856.

‡ Geary to Governor Fetcher, January 7, 1857; Gihon, Geary and Kansas, p. 216.

§ Gihon. Geary and Kansas, p. 214.

CHAPTER XCII.

EIGHTEEN HUNDRED AND FIFTY-SEVEN.

To those who came to see Buchanan take the oath of office and hear his inaugural speech he had something to say on most of the great issues of the hour; on the use of the public lands, on a military road to California, on the tariff, on the use of the surplus, on disunion, on geographical parties, on "our rights and duties as a member of the great family of nations" and on the future acquisition of territory. But the part of his speech which was heard with most interest related to affairs in Kansas. The application to the settlement of the slavery issue in the Territories of the simple rule that the will of the majority shall govern was, he said, a happy conception of Congress. Slavery was not to be legislated into nor out of a Territory, but the people were to be left perfectly free to regulate their domestic institutions in their own way. The whole territorial question having been thus settled on the principle of popular sovereignty, everything of a practical nature was decided, and he sincerely hoped that the long strife over slavery was nearing its end, and that the geographical parties to which it had given rise would speedily disappear. There was, indeed, a difference of opinion as to the time when the people in a Territory should decide the question for themselves. But this was a matter of little practical importance. Besides, it was a judicial question and belonged to the Supreme Court, before which it was then pending, and by which it would be speedily and finally decided. To that decision he should cheerfully submit.

For his cabinet Buchanan chose Cass to be Secretary of

State; Howell Cobb of Georgia to be Secretary of the Treasury; John B. Floyd to be Secretary of War; Isaac Toucey of Connecticut to be Secretary of the Navy; Jacob Thompson of Mississippi to be Secretary of the Interior; Aaron V. Brown of Tennessee to be Postmaster-General; and Jeremiah S. Black of Pennsylvania to be Attorney-General. These names were sent to the Senate on the sixth of March, and that same day the decision of which Buchanan spoke at his inauguration was handed down by the Supreme Court, the decision in the famous case of Dred Scott, plaintiff in error, *vs.* John F. A. Sanford, defendant.

More than twenty years before that day Scott, a slave owned by an army surgeon named Emerson, was taken from Missouri to the military post on Rock Island, where slavery had been prohibited by the Ordinance of 1787 and by the constitution of Illinois. This was in 1834. Two years later Scott was taken to Fort Snelling, on the west bank of the Mississippi River. He was then on soil made free by the compromise of 1820, and there he remained till 1838, when he was taken back to Missouri.

In 1835 Harriet, a slave of Major Taliaferro, was taken to Fort Snelling, and in 1836 was sold as a slave to Doctor Emerson. That same year, with consent of her owner, she was married to Dred Scott. The issue of this marriage were Eliza, born on board a steamboat on the Mississippi River north of the north line of Missouri, and Lizzie, born in Jefferson Barracks, Missouri.

After the death of his master Scott was hired out for some years, was harshly treated, and finally, encouraged by some citizens of Missouri, began suit for freedom in the courts of Missouri, basing his claim on his residence on the free soil of Illinois and the Louisiana purchase north of 36 degrees 30 minutes. In the lower court Scott won; but the case was carried to the Supreme Court of Missouri, which decided against him. This was in 1852. Meantime Mrs. Emerson, to avoid the unpleasantness of appearing in court, by power of attorney made over the control of Scott to her late husband's executor, John F. A. Sanford, of New York. Thereupon Scott brought suit in the United States

Circuit Court * against his new master as a citizen of another State. Sanford set up the objection that Scott was a slave, was not and could not be a citizen of the United States, and hence could not sue in a court of the United States. This the Circuit Court overruled, but decided against Scott because the Supreme Court of Missouri had done so and because in such cases it was the practice of the Federal Courts to follow the decisions of the highest State tribunals.

The case was next taken by writ of error to the Supreme Court of the United States, and argued for the first time in 1856. The only question before the Court was, did the Circuit Court err in deciding to follow the decision of the Supreme Court of Missouri. A majority of the justices were of the opinion that it did not; but Taney was so sure that the question of Scott's citizenship was involved that a reargument was ordered.† When made at the December term, 1856, it failed to change the opinion of the majority of the justices, and to Justice Nelson of New York was assigned the task of writing an opinion affirming the decision of the Circuit Court. Carefully avoiding the questions of the citizenship of Dred Scott, and of the constitutionality of the Missouri Compromise, he discussed the case on its merits and reached the decision that Scott was a slave. Ere he read his opinion, however, Justice Wayne of Georgia, at a meeting of the justices, made an earnest appeal to his associates to seize the opportunity and make a decision that should strip Congress of the power of ever again meddling with slavery. Public attention had been aroused, the case was exciting attention, and the people expected that a decision covering all questions would be made. His appeal was successful and on his motion Chief-Justice Taney was asked to write an opinion on "all questions involved." ‡ All these things happened in December, but what the justices

* November, 1853.

† Memoir of B. R. Curtis. G. T. Curtis, Vol. I, p. 180. "The Court will not decide the question of the Missouri Compromise line—a majority of the judges being of the opinion that it is not necessary to do so." Curtis to Ticknor, April 8, 1856.

‡ Memoir of Benjamin R. Curtis, by George T. Curtis, Vol. I, p. 206; Memoir of Roger B. Taney, by Samuel Taylor, pp. 383-384.

were doing soon leaked out and on the first of January Alexander H. Stephens was able to state that "the restriction of 1820 will be held to be unconstitutional," * and that the opinion of Taney would be elaborate, and a few days later the *Tribune* correspondent wrote that the Supreme Court had decided that Congress was without power to meddle with slavery in the Territories.†

The judgment of the Court was that Dred Scott was not a citizen of Missouri in the sense in which "citizen" is used in the Constitution; that the Circuit Court of the United States for that reason had no jurisdiction in the case and could give no judgment, and that its judgment therefore must be reversed and a mandate issued directing the suit to be dismissed for want of jurisdiction. With this, in the opinion of the Republicans, the court should have stopped. The only question before it was, Is Dred Scott a citizen of the United States? No justice of the court had a right to discuss, decide, or even express an opinion on any other question.‡ Yet the five pro-slavery justices, laying aside decorum and usage, had given opinions on five constitutional questions of vital importance to the free States of the Union.§ Three held that the ordinance of 1787 was valid under the articles of confederation, but expired with them, and the act of Congress confirming it was void because Congress had no authority under the Constitution to legislate for the Territories. Five declared the Missouri Compromise unconstitutional and void; and that neither Dred Scott nor any of his family was made free by being carried into the territory north of thirty-six thirty. Five declared that slaves were property, were recognized as such by the Constitution, that there was no difference between them and any other kind of property, and that they might be taken into any Territory and kept there. Four held that the power given Congress to make all needful rules and regulations for the

* Life of Alexander H. Stephens, by Johnston and Brown, p. 318.

† James B. Pike. First Blows of the Civil War, p. 355.

‡ Report of a Joint Committee of the Senate and Assembly of New York.

§ Ibid.

Territories was confined to the land as property and limited to the territory owned by the United States when the Constitution was adopted and did not apply to any thereafter acquired. To the contention that Scott was made free by his residence on Rock Island and was not reduced to slavery when brought back to Missouri, the court answered that his *status* as slave or freeman was determined by the laws of Missouri, not by those of Illinois, and that he was therefore still in slavery. Quite as offensive to the Republicans was the statement of Taney that, "for more than a century before" the Declaration of Independence, public opinion in the civilized world had regarded negroes "as beings of an inferior order * * * and so far inferior that they had no rights which the white man was bound to respect."

The effect of the decision was to open every Territory of the United States to slavery. By the Republican press it was received with derision and contempt. Taney's argument, it was said, rests on gross historical falsehood and bold and reckless assumption. The decision makes slavery national, and until the time comes when other judges sitting in this same Court shall reverse this wicked and false judgment, the Constitution of the United States is but the bulwark of inhumanity and oppression. It is bad law, rests on false historical statements, is a wrong interpretation of the Constitution, is a Southern sophism clothed with the dignity of our highest court. If slaves are recognized as property by the Constitution no State law can stop their transit, or forbid an owner holding them wherever he may choose. Let one case draw from the Court the decision that slaves may be held and protected under national law and they will be bought and sold in New York, they will be owned in Boston, auctions will be held in front of Faneuil Hall, Toombs may call the roll of his slaves on the slope of Bunker Hill, and slavers may land their cargoes on Plymouth Rock.* Alas! that the character of the Supreme Court as an impartial judicial body has gone! It has abdicated its just functions, descended into the political mire, sullied the ermine, drag-

* New York Tribune, March 11, 1857.

gled and polluted its garments in the filth of pro-slavery politics.* The majority of the court rushed needlessly to the conclusion, and may well be suspected of being led to reach it by partisan and sectional influences. But the people are the court of last resort. They will review the decision of the Supreme Court and, if it presents itself as a practical question, will vote against it.†

A joint committee of the Senate and Assembly of New York was appointed to report what measures were necessary to protect the rights of her citizens against the alarming doctrines of the Supreme Court in the case of Dred Scott. The Committee recommended two resolutions and "an act to secure freedom to all persons within this state." The resolutions were: that New York would not allow slavery within her borders in any form, or under any pretense, and that the Supreme Court having identified itself with a sectional and aggressive party had lost the confidence and respect of the people of the State. After a substitution of "impaired" for "lost" the resolutions were passed. The Act, which declared that neither descent from an African nor color of skin should disqualify any person from being or becoming a citizen of New York; that every slave who should come into the State with the consent of his owner, or be brought involuntarily, should be free; and that every person who should hold a negro slave or free person of color in slavery under any pretense or for any time should be guilty of felony, passed the Assembly but not the Senate.

Though the decision left Dred Scott and his family slaves apparently for life, their freedom was near at hand. Sanford having recently died, control of them came back to the widow of Doctor Emerson, then the wife of C. C. Chaffee, an anti-slavery member of Congress from Massachusetts. That the wife of such a man should own slaves called forth a protest and Mrs. Chaffee and her daughter conveyed Scott, his wife and two children to Taylor Blow of St. Louis to be emancipated; Mr. Chaffee, to make emancipation com-

* New York Tribune.

† Springfield Republican, March 11, 1857.

plete, signed the release, and in May the four slaves were set free.*

The country was now at the height of prosperity. Customs revenue during the year ending June thirtieth exceeded sixty-four millions of dollars, the greatest sum derived from that source in any twelve months. Income from all sources was more than seventy-three millions, which, added to the balance at the close of the fiscal year 1855, made the gross revenue nearly ninety-three millions. Despite the installments paid to Texas since 1850 and to Mexico for the Gadsden purchase since 1853, the national debt had shrunk from sixty-nine millions when Pierce was inaugurated † to twenty-nine millions on the first of July, 1857.‡ Year after year the surplus in the treasury had been close upon twenty millions, a sum which might well have been used to cut down the national debt; but the Secretary thought the price of bonds too high and the money lay idle in the sub-treasuries, and Pierce in each annual message urged a reduction in the tariff. At last, in March, 1857, it was made with little opposition and little debate, and that little was non-partisan. In the course of seven years imports rose from one hundred and seventy-eight millions to three hundred and sixty millions; exports from one hundred and thirty-seven to three hundred and thirty-eight millions; the tonnage of our shipping engaged in foreign trade from one million four hundred thousand to two million three hundred thousand tons, and that of our coastwise trade from seventeen hundred thousand to twenty-five hundred thousand tons. Business of every sort expanded greatly and hand in hand with this went expansion in banking and credit. From eight hundred and fourteen, in 1850, the number of State banks increased to fourteen hundred and sixteen in 1857; their capital from two hundred and seventeen millions to three hundred and forty-three millions, and

* New York Tribune, May 26, June 6, 1857; Providence Post, cited by Washington Union.

† Messages and Papers of the Presidents, Vol. 5, p. 214. First annual message of Pierce, December 5, 1853.

‡ Ibid., p. 458. First annual message of Buchanan.

their loans from three hundred and sixty-four to six hundred and eighty-four millions. Since 1850 nearly fifty millions in gold had been added to the coinage each year. More than half, it is probable, went abroad.

In the silver currency a great reform had just been effected. Early in February, 1856, the Senate instructed the Committee on Finance to inquire and report whether the smaller Spanish and Mexican coins might not be removed from circulation, or have values established by law corresponding to their real values and so avoid the fractional parts of a cent. These coins were the fip, or sixteenth of a Spanish dollar, which passed current at six and a quarter cents; the levy, or eighth of a Spanish dollar, worth twelve and a half cents; and the quarter of a Spanish dollar, worth twenty-two cents. In due time the Committee reported a bill fixing the value of the pieces at five, ten, and twenty cents respectively, and providing for their recoinage into United States money as fast as they came into possession of the government, and authorizing the President to issue a proclamation legalizing a new cent piece to be formed of an alloy of copper and some other metal.* After a debate over the right of Congress to make anything a legal tender the bill passed the Senate † and came up in the House, where no action was taken. The director of the Mint took exception to the proposed copper cent, urged an alloy of eighty-eight per cent. copper and twelve per cent. nickel, sent twelve coins struck on the half cent die to show what his proposed cent would look like, and suggested that the bill from the Senate be so amended as to fix the weight of the new cent at seventy-two grams troy instead of one hundred and sixty-eight. Ere the House could take up the matter the session closed with nothing done.

At the next session, late in December, 1856, the Committee on Ways and Means reported the Senate bill which, with some amendments, passed the House in January, 1857. ‡ From that moment the fips and levies were doomed.

* March 25, 1856.
† April 16, 1856.
‡ January 15, 1857.

At New York the ferry companies refused to take them save at the new rates, the city railways would not accept any silver coins save those from the United States Mint, and retail merchants received and paid out fips and levies at the value proposed in the bill. Bullion brokers, however, bought quarters at twenty-three cents each, if neither clipped nor bored, and if the head and the pillars of Hercules were plainly visible. The wholesale provision dealers met and resolved that after the second of February none but American coin would be taken in trade. Everywhere the bill found favor. It will take from circulation the shilling and six-penny pieces which, it was said, are a means of public robbery by shrewd tradesmen when making change, and put an end to the foolish habit of reckoning in shillings and pence. Good riddance to an abominable nuisance! * Thus before the Senate accepted the House amendments and the President signed the bill † the old familiar Spanish coins were banished effectually from all business operations and could scarcely be found anywhere. With them went the half-cent piece which the new law provided should no longer be coined.

The people were hoarding them, and when, on the twenty-fifth of May, the new nickel cents began to be paid out at the Philadelphia Mint, a long line of men, women, and children with little bags of old coppers, Spanish quarters, shilling and six-penny pieces in their hands stood waiting on the street. In the Mint were two windows. Over one were the words "Cents for cents," and over the other "Cents for silver"; and to them every day between the hours of nine and two came hundreds of persons glad to be rid of the clumsy copper cents and half-worn fips and levies.‡

Much of the prosperity of the fifties was more seeming than real. Carried away by a realization of the boundless resources of our country and an eager desire to get rich without labor, our countrymen had borrowed recklessly and

* February 21, 1857.
† Philadelphia Ledger, January 28, 1857.
‡ Ibid., April 30, May 26, 1857; New York Tribune, May 26, 28, 1857.

invested foolishly in every sort of speculation and venture. Manufactures were expanded in hope of greater markets to be opened by the railroads; banks were started with small chance of securing depositors; steamship lines were established without trade enough to make them profitable; thousands of miles of railroad were built through regions too sparsely settled to afford local traffic, and all was done on borrowed capital made abundant by the stream of gold from California. During the five years ending the first of January, 1856, railroad mileage rose from eighty-six hundred to twenty thousand seven hundred and sixty miles. When the Secretary of the Treasury made his report on the second of March, 1854, nearly two hundred and three millions of dollars' worth of American securities were held abroad. The effect of this reckless speculation was soon apparent. Distrust arose, money was hard to get, railroad stocks became a drug on the market, and even the best of them went down in price. New York Central six per cent. stock sold at eighty-five; Illinois Central seven per cent. at sixty-two, and in September a panic swept Wall Street. Money could scarcely be had at any price and banks, bankers, and commercial houses failed by dozens. In October a large dry goods house went down in Baltimore, giving as the cause the tightness of the money market; the Bennersville Bank of Kentucky, the Kentucky Trust Company, the Ohio Savings Bank, and a private banker in Cincinnati suspended, and a run began on all the private bankers. Wild-cat banks in the west, it was said, are exploding like soap bubbles. In Louisville bankers and merchants refused the notes of the Indiana Free Banks because a large amount of this sort of currency was held by brokers and business men and the banks refused either to redeem it themselves or convert it into eastern exchange save at a heavy discount. When the Liverpool steamer went out with a million in specie it was explained that this was because great sums had been borrowed abroad to build railroads, and that the tight money market was due to the vast sums drawn from the channels of trade to build lines of railroad in the west. In November four banking houses and the Citizens' Bank failed in Cincinnati, several

others suspended; and the money market was in a panic. The Merchants and Mechanics' Bank, the Union Bank, the Chicago City Bank, all of Chicago, closed their doors; a private banker of Milwaukee, the Farmers' Bank, and the Exchange Bank of Buffalo, and the Canal Bank of Cleveland failed. Two cotton houses and an Insurance Company in New Orleans, several firms in Baltimore, a wool dealer in Providence, a large produce dealer in Oneida county, New York; some bankers, brokers, a dry goods house, and the Glen Iron Mills in Boston; and the Empire City Bank in New York City suspended, and there were runs on all the banks in Washington.* In New York City business of all sorts was seriously affected and thousands of workingmen were thrown out of employment. When December came the audiences at the cheaper theaters were so small that the salaries of the actors at the Bowery and the National were cut fifteen per cent. and the companies were soon disbanded. Travel on the New York and Brooklyn horse-car lines fell off so much that the fare was raised from four to five cents. At a mass meeting of the unemployed in the Park a demand was made on the Common Council to begin building the new City Hall at once. An appropriation of ten thousand dollars was made for the relief of the poor, and relief meetings were held in every ward in the city. Meantime the unemployed met almost daily in the Park and listened to speeches by Socialist leaders. A band of Socialists gathered in Hope Chapel ordered that a memorial be sent to the Mayor demanding that five hundred thousand dollars be appropriated by the city for the erection on the public lots of houses to be rented to the poor; that the legislature give the public lands in the State to actual settlers, and limit the amount of land a man might thereafter acquire; and that Congress stop the sale of the public domain, give farms to actual settlers, and appropriate three millions of dollars as a loan to aid the settlers. The money was to be repaid in five years in the form of rent.† Doctors offered their services free, women held fairs, merchants and bankers subscribed to the

* Philadelphia Ledger, November 9, 10, 14, 15, 20, 1854.
† New York Tribune, December 30, 1854.

relief fund, and shop-keepers offered to contribute a tenth or a quarter of their gross receipts for a week or a month.* Relief meetings were called in Jersey City by the Mayor, and Relief Associations were formed in Newark.† The New York Association for the Relief of Destitute Serving Girls reported that twenty thousand were out of work, for so hard were the times that thousands of householders had been forced to do without servants. Benefit performances of all sorts were given for their relief and an effort was made to find work for them in the small towns where they would be paid a dollar "or even fourteen shillings," which was a dollar and three quarters, a week. Workmen, fortunate enough to be employed, were on half time or half pay.

The cause of all this, said the New York *Tribune,* is the extraordinary demand for coin. Credit is at an end. Bank reports show that the process of hoarding is still going on, and it must go on till the export of coin stops. And what will stop it while our shops and stores are flooded with foreign goods? ‡ The contraction of loans by the banks in this city, said a Milwaukee newspaper, made necessary by the extraordinary demand for coin, has reduced the price of wheat twenty cents a bushel. There is no money to buy with because the banks are making ready for runs and panics and cannot discount for fear of trouble. It is the railroad mania, said a Columbus newspaper, which has led to building of roads far in advance of the needs of the country, and sent them into the market to compete with current business by offering ruinous rates for money that has caused the panic. These roads should wait till the wants of commerce and better times call for their completion. As the year closed there were suspensions of mills and factories, more failures of important firms, and banks and money became harder to get than ever.§ We are suffering, said another journal, from one of those periodical manias for speculation which, from time to time, sweep over our country. We have had the silk-

* New York Tribune, December 30, 1854.
† Ibid., December 20, 28, 1854.
‡ Ibid., January 11, 1855.
§ Washington Union, December 7, 10, 13, 17, 23, 1854.

worm craze and the town-lot craze and now we are in the midst of a widespread, unthinking, uncalculating desire to build railroads. Many of them are planned and partly built without any need for them in the country they cross, and have drained the Atlantic cities of surplus capital and flooded the markets with stocks and bonds of a very doubtful kind. Many have been built without money, for they have been paid for with bonds issued by irresponsible parties or corporate bodies. We could name more than one town which has issued bonds in aid of railroads to a greater amount than all the real estate in the town would sell for at auction. These bonds went into the hands of contractors and iron-masters who sold them at a discount when times were good and money easy. During the last eight years the demand on eastern cities for railroad purposes has been from five hundred thousand to a million dollars a week.*

Such an experience should have taught a lesson; but it did not, and when the hard times passed away speculation, railroad building, and wild extravagance went on much as before. During the year 1856 nearly four thousand miles of railroad were constructed.† The first train of cars had then crossed the Mississippi on the Rock Island bridge, and Chicago and Iowa City were joined by rail. ‡ One hundred and fifty-three miles of the Mobile and Ohio road had been opened and Mississippi had invested three hundred thousand dollars in the stocks of her roads.§ As a sign of the extravagance of the times and of the luxury of travel it was noted that the Buffalo Car Company had built sleeping cars for the Illinois Central Railroad. Down one side of each car were six staterooms with two seats with cushioned backs long enough to lie upon. These backs were hinged at the top so that they might be turned up, thus forming two beds. Down the other side of the sleeper was a row of seats "with revolving backs like barbers' chairs so that the occupant may

* Washington Union, November 29, 1854.

† Dinsmore's American Railroad and Steam Navigation Guide.

‡ New York Tribune, April 23, 1856.

§ Message of Governor McRea. National Intelligencer, January 30, 1856.

sit straight or recline at pleasure." At one end of the car was a small wash room with marble wash bowls and a looking-glass. Other cars had but two or three staterooms.*

The extravagance of the age was a favorite theme with the moralists. A fashionable lady, they would say, spends on the milliner, the mantua maker, the lace dealer a sum that would have supported a household of the same rank in Washington's day. One dry-goods dealer advertises a lace scarf for fifteen hundred dollars; another a bridal dress for twelve hundred dollars. Bonnets are easily sold at two hundred dollars. Cashmeres cost three hundred dollars and up and may be seen by dozens, any day, on Broadway. One hundred dollars is quite a moderate price for a silk gown. In a word, extravagance in dress has reached a height that would have astounded our prudent grandmothers. A thousand dollars a year is not thought too much to expend on dress by women pretending to be "in society." Add to this opera tickets and summer trips to the Springs and we may form some idea of the amount of money wasted year after year by thousands of American women.†

During 1856 prices went on rising. Meat, tea, sugar, vegetables, all articles of household consumption grew dearer and dearer. This rise, the grumblers were told, was nominal rather than real, and was caused by increase in the quantity and consequent shrinkage of the purchasing power of money, caused by the steady flow of gold from California. Three dollars would not buy so much food as two dollars did fifteen years ago. Hence, those who deal in food must supply a poorer quality or get higher prices. Fabrics had not advanced much because improved machinery countervailed the greater cost of raw materials and labor. Something, indeed, had been done for agriculture; but despite subsoil plows, diggers, hoes, cultivators, reapers, and mowers, food for man and beast must be higher.‡ In New York the hotel keepers advanced the price of board and lodging from two and a half to three dollars a day.

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* Nebraska City News, June 21, 1856.
† Chicago Times, January 5, 1856.
‡ New York Tribune, May 21, 1857.

In spite of the many signs of prosperity the financial state of the country was far from good. By May, 1857, money was scarce. It has gone, it was said, into western town lots, into cities on paper, and though our mills and factories are working steadily there is no expansion of business.* "We are heavily in debt to Europe," said the New York *Tribune,* "our city merchants and bankers owe those of Great Britain, the country owes the cities, the farmers owe the merchants, in short, two-thirds of us are in debt." † By July complaints of scarcity of money and hard times were again general. On August eighth New York bank discounts reached a hundred and twenty-two millions. And now disaster began to follow disaster. Business grew dull; banks discounted less freely; railroad stocks continued to decline; a Boston house engaged in sugar speculation failed for five millions on August twentieth, ‡ and four days later a Rochester banking house closed its doors § and the Ohio Life Insurance and Trust Company of Cincinnati, with a branch in New York, suspended with liabilities amounting to seven millions. The company was not a bank of issue and had never written a policy, but loaned heavily "on call," and on railroad stock collateral which had so depreciated as to prevent further borrowing. The failure, it was said, took everybody by surprise and fell like a thunderbolt, for the company was thought to be the safest and soundest banking institution in all the west. So late as July fourth it had declared a semi-annual cash dividend of four and a half per cent. A general panic now swept over Wall Street. Leading dealers in uncurrent money and general agents for many banking institutions and stock houses failed, and the panic spread to the country at large. By August thirtieth there had been two failures in Boston, eighteen in New York City, fifteen in New York State, and several in New Jersey, Philadelphia, Ohio, Michigan, Illinois, Iowa, and Wisconsin; a number of wild-cat county banks had been put under ban

* Philadelphia Ledger, May 5, 1857.
† New York Tribune, April 4, 1857.
‡ Philadelphia Press, August 22, 24, 1857.
§ Ibid., August 25, 1857.

by exchange brokers refusing to handle their notes, and a run on the banks in Buffalo had started a panic in that city. Ere another week passed there were two failures in New Hampshire, another in Boston, fifteen more in New York City, eleven more in the State, three in New Jersey, one in Philadelphia, two in Maryland, four more in Ohio, and others in Indiana, Illinois, Michigan, Wisconsin, and Iowa.

Banks over all the country, it was said, have been carrying full sail and the people importing and living far in advance of capital and production. Speculation has far outrun our means and prudence. Land values have been inflated and railroads multiplied and projected in a wild and reckless way. Nearly all these speculations have been carried on credit. Purchases by land companies have been based on less than five per cent. of their nominal capital. Railroads have been located and construction begun with a cash subscription of less than twenty per cent. of the estimated cost. Borrowing has been resorted to for their completion. Mortgage bonds have been issued at any and all rates of discount, and when these could no longer be sold the companies have come to the money markets and borrowed at street rates of fifteen and thirty per cent.* Within a year the bonds of these companies depreciated ten per cent. On September first the contraction of the New York City banks for two weeks amounted to five and a half millions, and by September seventh had reached seven millions.† The pressure for money was described as "awful." Stocks went down, failures multiplied, and the panic was worse than ever. During the week ending September twelfth there were two failures in New Hampshire, two in Boston, two in Massachusetts, twenty-nine in New York City, nine in the State, four in New Jersey, nine in Philadelphia, and others in Indiana, Illinois, Wisconsin, and Iowa.

A railroad convention in session in New York City urged the abolition of expensive fast trains, free passes, and the ruinous system of seeking business by hand bills, runners,

* Philadelphia Press, August 26, 1857.

† A Brief and Popular Account of the Financial Panics and Commercial Revolutions of the United States from 1693 to 1857.

and freight solicitors, and the substitution of a uniform and increased freight tariff.* The Bank of New Jersey at New Brunswick failed, the Portsmouth and Concord Railroad and another in New Hampshire were sold under foreclosure of mortgage, and the prospect that few roads would pay interest on their stocks led to a demand that cities which had pledged their credit to the roads should be forced to pay it. To add to the gloom news was received of the wreck of the *Central America* bound from Aspinwall to New York with two million two hundred thousand dollars in gold.† September twenty-fourth the notes of the Canandaigua Bank were thrown out by the New York exchange brokers, the Fond du Lac Railroad assigned, the Delaware, Lackawanna, and Western Railroad failed, and on Friday the twenty-fifth the Bank of Pennsylvania at Philadelphia closed its doors. When the farmers came to the Market House Saturday morning they refused the notes of all banks and would sell only for specie, and the people gathered in crowds around the doors of the banks demanding coin for bills. A general suspension was feared; but when it was announced that the banks would redeem their five-dollar notes the anxiety was much quieted. The bank presidents at a meeting on Friday night had agreed that on Saturday morning there should be a general suspension of specie payment. When it came some redeemed none of their notes, others paid one half on their five-dollar bills, and three redeemed all that were brought to their counters. All refused to cash checks. When night came the presidents met again, and a third time on Monday when it was agreed to suspend specie payment on all notes, give their own bills in small denominations for checks, and increase discounts. Meantime, the telegraph having spread the news of what was happening at Philadelphia, the banks of Nashville, all but one in Pittsburg, those in Washington, Baltimore, Harrisburg, Lancaster, York, Reading, and Providence suspended,‡ and the people of Wheeling re-

* Philadelphia Ledger, September 11, 1857.

† Ibid., September 18, 1857.

‡ Baltimore Patriot, September 26, 1857; Philadelphia Ledger, September 28, 29, 1857; Philadelphia Press, September 26-30, 1857.

quested the banks in that town to suspend lest a run should be made on them by "foreign bankers and brokers." Suspension followed. Pittsburg banks paid coin in small sums to laborers and operatives who otherwise would have been almost without food. Such was the severity of the crisis that the Governor of Pennsylvania called the legislature in special session to find some measure of relief. Credit, it was said, no longer exists. Nothing but money goes. In the panic of 1837 our banks had faith in each other and acted together. Now there is no faith, no concert. Certified checks form the currency of the city.*

As October drew near the financial situation, it was said, "grew deeply, darkly blue." The railroads began to fail. From the Pittsburg, Fort Wayne, and Chicago road came a circular asking for time in which to pay the interest due the first of October. A part of it could not be met because it was impossible to buy eastern exchange with the currency which formed the greater part of the receipts of the company.† On the first day of the month the Reading Railroad failed. On the tenth the notes of the New York and Erie were protested, the Michigan Central suspended payment, and the Illinois Central assigned.‡ The stock market was in a state of anarchy. Money was not to be had on any sort of security even at panic rates. Stocks, provisions, rents, everything measured in money went tumbling down. Elsewhere the same condition existed. The Rhode Island Bank commissioners sent out a circular urging the banks to forbear extending their liabilities to the public, and not to sell or dispose of specie save in redemption of their notes, and pay out fractional currency freely.§ In Philadelphia the Democracy opposed to legalizing suspension of specie payment met in Independence Square. On their transparencies were "Expansion and bankruptcy—Contraction closes our workshops." "The People, not the Banks, want legislative aid"; "Gold and Silver Currency—a sure basis for honest

* Philadelphia Ledger, October 1, 1857.
† Philadelphia Press, October 3, 1857.
‡ Philadelphia Ledger, October 12, 1857.
§ Ibid., October 3, 1857.

trade"; "Banks—the Hydra that feeds upon the industrious poor." Ere the gathering dispersed a resolution was adopted declaring that the cause of the panic was over-trading, improvident investment, extravagance in public and private expenditures, and expansion incidental to banking on unsafe foundations.* The merchants of Pittsburg resolved that the suspension of their banks was due to financial disorders elsewhere, and asked the legislature to remit the penalties for suspension provided by the Act of 1850, fix the time of resumption, and limit bank dividends to eight per cent.† A meeting at Harrisburg called on the legislature for relief laws; and merchants, manufacturers, and mechanics, gathered in Independence Square, demanded some law which would enable manufacturers and employers of labor to keep their men at work. ‡ Several hundred laborers on the Bergen Tunnel of the Erie Railroad and the employees of a large bookbindery, of three publishing houses, of the Hoe Press and the Singer Sewing Machine companies, two thousand girls in the cloak business, and all the hands of Genin the hatter, who had failed, had already been discharged in New York. § A month's wages were due the laborers at the Bergen Tunnel and, enraged by such treatment, they tore up the tracks.

In the West produce was piled up at places of shipment for want of money to move it, and the boats of the Michigan Central Railroad plying between Buffalo and Detroit were laid up as fast as they reached Detroit. At New Orleans the money market felt the effect of the panic, discounts could not be had, and cotton fell two cents a pound. In Mobile the pressure for money was severe.

Until this time the banks of New York City made a stout fight against suspension of specie payment; but a run on the Park Bank and the failure of the Bowery Bank destroyed confidence and in October runs were made on the Ocean, North River, Irving, Marine, Citizens', New York

* Philadelphia Ledger, October 6, 1857.
† Ibid., October 5, 1857.
‡ Ibid., October 7, 1857.
§ Ibid., October 7, 1857.

Exchange, and Merchants' Exchange banks, and all closed their doors. The news spread like wild fire. Wall Street from Trinity Church to Pearl Street was packed with excited men, business and work stopped, and laboring men hurried away to surround the Savings Bank. Of fifty-six banks in the city, eighteen suspended. That night it was resolved at a meeting of officials that all banks should stop specie payment on the following day. As the news went over the country the banks of Richmond, Augusta, Savannah, Detroit, Trenton, Albany, Hartford, and Boston followed the example. The Chemical of New York City, the Indiana State Bank, four in New Orleans, and those in Kentucky did not suspend. Never had the New York banks been sounder. When they suspended the specie in their vaults was greater than the amount of their notes in circulation.* Withdrawal of deposits caused by panic brought about suspension.

Within thirty days fourteen railroads suspended, assigned, or went to protest on their floating debt.† Failures of railroads, banks, manufacturers, and commercial houses, and the total prostration of business threw tens of thousands of clerks, workingmen, and mill hands out of employment. In Lawrence the unemployed numbered three thousand five hundred; in Little Taunton fifteen hundred; and, it was estimated, from thirty thousand to forty thousand in New York City. There and in other great cities where immigrants were numerous and where Socialism prevailed idleness and want bred discontent. One Sunday, late in October, the Germans in response to a call published in a German newspaper of the day before met in a large beer saloon in Philadelphia. Laborers! Brothers! so read the call, matters are every day getting worse. Shall we die shamefully without lifting a hand to save ourselves or our children?

* Report of the Secretary of the Treasury, December, 1857.

† These were: New York and Erie; Illinois Central; Philadelphia and Reading; Michigan Central; Michigan Southern; Cleveland and Toledo; Milwaukee and Mississippi; La Crosse and Milwaukee; Cleveland and Pittsburgh; Delaware, Lackawanna, and Western; Chicago, St. Paul, and Fond du Lac; North Pennsylvania; Huntington and Broad Top; Steubenville and Indiana. Philadelphia Ledger, October 19, 1857.

We are not babes, we are men and women. We can help ourselves if we will, and we will help ourselves. Let us act, not talk. One speaker urged the formation of a German Association for the benefit of German workmen. Another called the banks "plundering shops." They had stopped specie payment and the legislature, instead of forcing them to resume, had made their act lawful. Every railroad, said he, is bankrupt. Something must be done or there will be a fight. He did not want a tariff, he wanted work. A committee was appointed to draft resolutions to be laid before another meeting on Friday.*

An address published by the committee stated the demands of the workingmen. They were, instant employment by the city, state and federal government, a judicious tariff, a sound currency, and no small bank bills.† At a meeting to devise means to lessen the cost of living it was resolved that food was too high, that it could be sold for less and leave a profit, and that as wages had gone down thirty per cent. they would pay but twenty-five cents a pound for butter, twelve cents for beef, ten for pork, eight for mutton, and not more than sixty cents a bushel for potatoes. If merchants would not sell at these prices they would not buy from them for thirty days. A committee was named to purchase in large quantities from the farmers and butchers. There were to be no more dealings with hucksters and "skinners." ‡

At the adjourned meeting the Germans resolved that the evils of the time were to be ascribed to corruption in all ranks; to reckless speculation caused by the unwarrantable increase of paper money; and to over-importation of foreign luxuries stimulated by an injudicious tariff; and called on the city to engage more largely in public works, on the general government to do the same, and urged laborers over all the country to write and demand a sound currency, a homestead bill, a judicious tariff, and the abolition of small bills.§ In New York City the Mayor, Fernando Wood, had asked

* Philadelphia Ledger, October 26, 1857.
† Ibid., October 28, 1857.
‡ Ibid.
§ Ibid., October 31, 1857.

the Common Council to give the idle employment in Central Park and buy fifty thousand barrels of flour to be sold at cost to the laborers in payment for their work. "Truly may it be said," so ran his message, "that in New York those who produce everything get nothing, and those who produce nothing get everything. They labor without income while surrounded by thousands living in affluence and splendor and who have income without labor." * This appeal of the Mayor and the account of the Philadelphia meeting stirred up the New York Germans, and on November second, pursuant to a call, some eight hundred met in Tompkins Square, listened to speeches against the rich, and then marched down Broadway to the City Hall with banners inscribed "Arbeit." From the steps of the City Hall speeches were made in English and German. There are, said one speaker, only two classes in this city. Those who eat tenderloin steak and drink champagne, and those who are unable to stop the pangs of hunger with crusts of bread. A committee was then appointed to write a petition in favor of the Mayor's plan of relief. If it be not granted, it was said, "we shall force them, by other means, to help the people." † That night a procession of men and women clothed in rags and dragging a cannon marched through the streets of the fashionable quarter. On election day Irish and German laborers held a "hunger meeting" in Tompkins Square and were so aroused by the speeches that they tore down the wooden fence about the Square for fuel. A hundred then marched off to the homes of the leading candidates and offered to vote for them if money for food were given.‡ The Tompkins Square meeting on the fifth of November was attended by some five thousand men, clamoring for "work," "flour," "bread." Every workingman, it was said, "has a right to a living." It was finally resolved, as neither employment nor relief could be had from individuals, to march to the City Hall and demand that the Mayor give them work in Central Park,

* New York Times, October 23, 1857.

† Philadelphia Ledger, November 3, 1857; New York Times, November 3, 1857.

‡ Ibid., November 4, 1857.

on the new reservoir and on street grading. At the City Hall the Mayor was urged to call a special session of the Aldermen and have work ordered at once. He refused and when his answer was explained to the crowd a meeting was organized and speeches made from the steps. The leaders then announced that a meeting would be held next morning in Tompkins Square, that a march would be made to Wall Street, and that a banner inscribed, "We Want Bread," would be procured. Rich men, it was said, must shell out to the poor, or muskets will be their resort.* The plan was carried out; the procession with the banner went to Wall Street and at the Exchange a speech was made by a man who claimed to be a blacksmith and spoke for the crowd. "You, wealthy men here, in this street and hereabouts," said he, "have the power to help us and you must do it. There are twenty million dollars here in your street doing nothing and not circulating among the people. You must circulate it that we may get hold of it to buy bread. All we want is work, and bread or work we will have."

Much uneasiness was caused by this unusual demonstration and was increased when, on the seventh of November, there was another hunger meeting in the Square and another march to Wall Street and the City Hall, where notice was served on the Mayor that the malcontents would not wait longer than Monday, the ninth, for work. When that day came the crowd about the City Hall was larger than ever and threats were made that the people would force their way into the chambers of the Aldermen and the Council and present a petition for bread or work. The Mayor in alarm called for police to guard the Chambers, and the United States Assistant Treasurer telegraphed to Washington for protection. Early the next morning fifty-seven soldiers from Governor's Island and a like number of marines from the Navy Yard were placed on guard at the Custom House and the Sub-Treasury.

Hunger meetings in Tompkins Square were now held daily and quickly passed into the control of the disorderly

* New York Express, November 5, 1857.

element of the City. That on November eleventh was estimated to number ten thousand men and women. About a third, it was said, were really workingmen and the rest "toughs bent on mischief." Two of the old leaders who were present were driven away, disorder ruled, and three bakers' wagons were robbed. At the meeting on the following day a speaker said, "I am out of work. I have sought, but have not found it. I am a law-abiding citizen and wish peace, not turmoil. But what have we gained by these meetings and from those who have led them, day after day, advising us to seek relief now of this class, now of that? We have had promise after promise of work. But it is always to-morrow, and to-morrow and to-morrow. So it has been day after day; but where is the work? The City Corporation has voted two hundred and fifty thousand dollars for work in Central Park; but where is the money to come from?" "From Wall Street," said one in the crowd. "Who is it," continued the speaker, "that robs us of our bread? The men who oppress the laborer, the capitalists. It is this crew of thieves and robbers that is driving us to starvation. How can we get relief? By union. Let us have union and we may defy the police and the army of Goliath." *

Despite such outbursts excitement over the hunger meetings had subsided. The police were withdrawn from City Hall, the troops and marines went back to their quarters, and it was noted, as a sign that suffering was not so bad as represented, that the theaters supported by mechanics were well attended.

Elsewhere the suffering caused by the panic was quite keen. At Harrisburg a meeting was called to devise means of relieving the poor and the town council was requested to issue small notes for the use of business men. At Louisville, Kentucky, a meeting of mechanics brought out the fact that three thousand were out of employment because of the "money pressure," and a committee was appointed to confer with employees, banks, and merchants as to the best way to get work and report to a public meeting of all

* New York Evening Post, November 12, 1857.

classes. The Trenton Banking Company and the Mechanics and Manufacturers Bank each offered to loan the city, on its credit, three thousand dollars to be used for the support of the poor, and a mass meeting was held to consider what should be done to aid the destitute. At Fall River the Mayor appealed to the local government to give him five thousand dollars to be used to employ men in the Oak River Cemetery. At Philadelphia a generous citizen gave five hundred loaves of bread to the poor each week.* There some ward meetings to form Relief Associations had been held; but, as seventeen wards had taken no action, hand bills were posted calling on the unemployed to meet at the corner of Washington and Jefferson Streets, where it was resolved, "not to stand by and see our wives and children cry for bread at a time when God has blessed the land with an abundance." A committee was then appointed to present a memorial to the Mayor and report at a meeting two days later. This was done; but when the memorial was read to the adjourned meeting a speaker said it would be a long time before they got their suppers if they waited till Councils acted. All agreed with him and it was resolved to take part in the great meeting in Independence Square on November twelfth.†

To this, called by a gathering of the unemployed at Broad and Spring Garden Streets, ‡ came some ten thousand men. Some one in hope of influencing the proceedings threw about copies of a handbill which read, "Usurers! Those vampires of society have been instrumental in bringing on these dreadful times. These shavers have shaved our employers till they have been forced to close their mills, factories, workshops, and dismiss us from our benches and looms. Let these usurers disgorge." § The meeting, however, contented itself with adopting the report of that at Spring Garden which proposed that the city issue warrants to the amount of four million dollars in one, two, three, and

* Mr. George A. Henkels. Philadelphia Ledger, November 7, 1857.
† Philadelphia Ledger, November 12, 1857.
‡ Ibid., November 11, 1857.
§ Philadelphia Press, November 13, 1857.

four dollar bills, that they be accepted for all debts, and that six per cent. of them be canceled yearly.*

The worst was now over. At the Norris Locomotive works the hands resolved that there was no need for any sober, deserving workman to come to absolute want, warned their fellow workmen not to be led astray by designing men, and named a committee to receive applications for aid from any deserving man who had ever been employed at the Locomotive Works.† Relief Associations were active in all the wards and a few more attempts to excite the unemployed came to naught. Twelve mills in New England resumed operations, and so much better were the times that sixty laborers on the Cunard Steamship Company Docks in New York, whose wages had been cut down to a dollar a day, struck for a dollar and a quarter. The stock market showed signs of a return of the speculating fever; keepers of uptown shops who, panic-stricken, had discharged their clerks now took them back and made ready for winter business; and several thousand men were given employment grading Central Park. The banks in New Orleans resumed in November, and those of New York, Boston, New Haven began to pay out specie in December.‡

The causes then assigned for the panic were, the bank expansion followed by a rapid contraction; building unprofitable railroads; borrowing to sustain the bankrupt roads; excessive importation of manufactured goods from Europe; importation of useless articles that ought to have been made at home; land speculation in the West; loss of two million dollars by the wreck of the *Central America;* neglect of the homelier and manlier occupation of farming, and excessive fondness for the meaner occupations of shopkeeping, banking, and speculation and the extravagant costumes of the women consuming a hundred million yards of costly material.§

* Philadelphia Ledger, November 11, 1857.

† Ibid., November 13, 1857.

‡ New York banks, December 12; Boston banks, December 14; those of Philadelphia and Baltimore in February, 1858.

§ '37 and '57. A brief popular account of the financial panics and commercial revolutions of the United States from 1690 to 1857.

CHAPTER XCIII.

LECOMPTON AND THE GREAT DEBATE.

Although the Dred Scott decision defined the status of slavery in the Territories it had no bearing on affairs in Kansas. There the issue was the framing of a constitution, in the making of which the people, in theory, were still free to accept or reject slavery. For the governorship, made vacant by the resignation of Geary, the President selected Robert J. Walker, long a resident of Mississippi and a man of parts and reputation. He had been a Senator, had served with distinction as Secretary of the Treasury, and had borne the chief part in framing the tariff of 1846. Walker declined several times both verbally and in writing; but the urgent appeals of Buchanan and Douglas finally overcame the objection of himself and his wife and Walker agreed to go to Kansas on two conditions. General Harney was to be put in command in Kansas and stay there till all danger was passed, and Walker was to be left free to urge submission of the new constitution to the people for ratification or rejection. The terms were accepted and Walker wrote his inaugural address and submitted it to Buchanan and, when on his way west, to Douglas at Chicago. Both approved and with high hopes the new Governor reached Kansas late in May.

The new Secretary, Frederick P. Stanton, arrived before the Governor and proceeded at once to apportion delegates to the coming constitutional convention. The basis of apportionment was the census as provided by territorial law. The returns were, indeed, defective, and tainted with fraud; for in fifteen counties no enumeration of the people had

been made, and in those bordering on Missouri the provision for the registration of voters had been so carried out that Free State men had been ignored. All this was well known to the Secretary, yet he felt compelled to accept the returns and made the apportionment required.

Governor Walker began his administration by urging the people to forget the past and approve his policy. His ardent wish had been to make Kansas a slave holding State, which, by adding two pro-slavery members to the Senate, would have given control of that body to the South. But he had not been long in the Territory when he saw that this could never be done, for the climate, the needs of the people, and the overwhelmingly anti-slavery sentiment rendered it impossible to make Kansas a slave State. His next wish was to see her a Democratic State. To bring this about he must persuade the Free State men to abandon the Topeka movement and induce the Free State and pro-slavery wings of the Democratic party to unite. He began, therefore, with the Free State men. Early in June they held at Topeka a mass convention to decide what should be done at the next session of the legislature. Should it organize a State government and enact laws, or should it continue to act as heretofore? Hoping to influence the action of the mass meeting Walker went to Topeka and after it had adjourned was visited by the members and made a speech. The legislature, said he, has called a convention to meet in September and frame a constitution. That constitution either will or will not be submitted to the vote of actual settlers in the Territory. If it is not submitted I will join you in opposition, and I doubt not that one much higher than I, the Chief Magistrate of the Union, will also join you in opposition.* He then urged them to give up their attempt to form a government and vote at the coming election. His appeal was unheeded. Free State men kept away from the polls on June fifteenth, and of the nine thousand two hundred and fifty-one voters on the registry lists but twenty-two hundred voted, and a pro-slavery convention was elected.

* Washington Union, June 27, 1857.

In the South the impartial action of the Governor was bitterly denounced. He had no business to meddle, no business to urge submission of the constitution, no business to promise to oppose it if not submitted, no authority to pledge the President. All this was a high-handed breach of faith toward the South and Southern men in Congress. The Democratic State Convention of Georgia demanded his removal. The Senate of Alabama denounced him; the Democratic State Convention of Mississippi called his inaugural a dictatorial meddling with the duty of the convention, a Richmond newspaper accused him of having delivered Kansas into the hands of the Abolitionists,* a Charleston paper did not believe that any man seeking the suffrage of Southern men would dare defend the villainy of Walker in Kansas.† A Vicksburg journal, in the name of the South, called for his immediate removal.‡

As yet the President heartily supported Walker. So late as the middle of July he wrote, "On the question of submitting the constitution to the *bona-fide* resident settlers of Kansas I am willing to stand or fall." In upholding such a principle it was not possible to fail, for it was the principle of the Kansas-Nebraska Bill, of popular sovereignty, of popular government. Do this and the strictures of the Georgia and Mississippi Conventions would soon be forgotten. Should Walker answer the Mississippi resolution it would be well to make the great principle of submission of the constitution to the people conspicuously prominent.§ Even the Free State men felt sure that the promises of the Governor could be relied on and, toward the end of August, in convention assembled at Grasshopper Falls and, despite the opposition of an angry minority, resolved that, inasmuch as Governor Walker "had repeatedly pledged himself that the people of Kansas should have a full and fair vote, before impartial judges, at the election to be held on the first Mon-

* Richmond South, quoted by New York Times, July 14, 1857.

† Charleston Mercury, August 19, 1857.

‡ Vicksburg Sentinel, quoted by New York Times, July 14, 1857.

§ Buchanan to Walker, July 12, 1857; Report of Cavode Committee, House Reports, 36th Congress, 1st Session, Vol. 5, Report No. 68, p. 112.

day in October" for a territorial delegate, a legislature, and county officials, they would go to the polls.

On the seventh of September the pro-slavery constitutional convention assembled at Lecompton and after a session of four days adjourned to October nineteenth to await the result of the general election on the fifth. So quiet, peaceful, fair an election had never been held in Kansas, for troops were stationed in many parts of the Territory and by their presence kept down disorder. The returns showed that the Republican candidate for delegate to Congress had received a majority of over four thousand votes, and that the legislature was pro-slavery. In two places, however, in Oxford and in McGee County, gross frauds had been consummated. From Oxford came a roll of paper forty feet long containing sixteen hundred and twenty-eight names, most of which were copied from an old Cincinnati directory. Oxford was a hamlet of six hundred and could not have furnished twenty voters. The McGee County returns showed twelve hundred and sixty-six voters; yet the county was almost uninhabited. After visiting both places and seeing for themselves the shameful fraud that had been perpetrated Walker and Stanton threw out the returns on technicalities and thereby gave the Free State men a majority in the legislature.

The election over, the convention reassembled and fell under the control of John Calhoun, Surveyor General of the Territory, finished its work in less than three weeks, and adjourned on the seventh of November. From the first day to the last its proceedings were quite of a piece with its aim. Sessions were held when no quorum was present. Again and again but thirty of the sixty elected delegates attended, and it was by twenty-eight of these that the pro-slavery, or Free State question, was decided. By a majority of two votes it was declared that the constitution as a whole should not be submitted to the people.* Before the election the belief that it would be submitted was general. Indeed, Calhoun had solemnly pledged himself to that policy. But the triumph of

* House Reports, 35th Congress, 1st Session, Vol. 3, Report No. 377, Minority Report of Select Committee.

the Free State party in the general election, and the activity of Cobb, Secretary of the Treasury, and of Thompson, Secretary of the Interior, brought about a complete change of plan. Under the pretense of public business a clerk named Martin was sent to Kansas by Thompson, but his real mission was to convey to Calhoun the wishes of the pro-slavery leaders in Washington. The convention must make a pro-slavery constitution. If it could be adopted by popular vote, well and good. Cobb and Thompson had no objection to such action; but they wished it understood that they would not oppose the admission of Kansas if a pro-slavery constitution were framed "and sent directly to Congress" without submission to the people.*

A pro-slavery constitution was accordingly drawn up and in it was put a provision that on the twenty-first of December the people might vote for "the constitution with slavery," or, for "the constitution with no slavery," which would compel the adoption of it in any event. If "the constitution with no slavery" was adopted then the slavery provision was to be stricken out, and slavery no longer to exist, except that the right of property in slaves then in the Territory was in no manner to be interfered with, which meant that all such slaves and their progeny could be held as slaves forever, for to set them free would be to interfere with the rights of property.

While the constitution was under debate Calhoun called on Walker, told him that the administration had changed its policy, asked him to support the plan of not submitting the entire constitution to popular vote and said that, if he did so, the presidency would be his reward. Walker asked if he had a letter from Buchanan. Calhoun said no, but that "the assurance came to him in such a manner as to be entirely reliable, that this particular program was the program of the administration." † "I consider such a submission of the question," said Walker, "a vile fraud, a base counterfeit, and a wretched device to prevent the people from voting" even on the issue of slavery. He would not support

* Testimony of Martin, Report of Cavode Committee, p. 157.
† Ibid.

it; nay, more, he would "denounce it no matter whether the administration sustains it or not." *

The plan, nevertheless, was carried out and the constitution with this form of submission was adopted by the convention. Other articles provided that it could not be annulled before 1864, and that the hated territorial laws should remain in force till repealed by a State legislature.

From Kansas to New England Democrats joined with Republicans in condemning the action of the convention. Out of twenty newspapers in Kansas but one was in favor of the Lecompton constitution. Out of four Democratic newspapers in Leavenworth the *Citizen,* the *Pioneer,* and the *Journal* were opposed, and the *Herald* alone supported it.† The Lecompton *National Democrat* held that at least the slavery issue should have been fully and fairly put to the people for their decision. As it was put, no matter how the people voted Kansas would be a slave State. The Louisville *Democrat* declared that no reason could be given for refusing to submit the constitution entire to popular vote save fear that it would be defeated, and was sure that failure to do so would prevent its acceptance by Congress.‡

This, said the Detroit *Free Press,* is a deliberate attempt to bring into contempt the great Democratic doctrine of popular sovereignty. Under such an interpretation of the Kansas-Nebraska Act the Democratic party of the Northwest might as well disband at once. In Iowa every Democratic newspaper save the Dubuque *Northwest* was opposed; in Wisconsin, in Michigan, in Indiana every Democratic paper without exception was opposed; in Illinois thirty-four dailies and eight weeklies, the entire Democratic press of the State, were opposed; in Ohio all save the Cincinnati *Enquirer.*§ The Columbus *Statesman* gave a list of forty-nine Democratic newspapers in Ohio that had declared against the Lecompton constitution.¶ The Buffalo *Daily Courier*

* Testimony of Walker, Report of Cavode Committee, p. 110.
† Leavenworth Journal, November 27, 1857.
‡ Louisville Democrat, November 21, 1857.
§ Chicago Daily Times, December 3, 1857.
¶ Philadelphia Press, December 23, 1857.

called it the mockery of sanction. It was saying to the people, "The constitution has been framed for you. You may take it with or without slavery as you prefer; but in every other feature you must accept dictation." * The *Advertiser,* an old line Whig sheet, took a like view; the Providence *Post,* another Democratic newspaper, declared that the method of submitting the Lecompton constitution was not Democratic. The people ought to have a chance to vote it down if they wished to, no matter whether it was anti- or pro-slavery.† Jefferson Davis told the Mississippi legislature at the opening of its session that the Lecompton convention was not required to submit the constitution to the people. Popular approbation, he said, could give no validity. It must be null and void till approved by Congress.‡ In Kansas a great cry went up for a special session of the newly elected legislature. Walker had gone to Washington on leave of absence, but Secretary Stanton, who was acting governor, yielded to the demand, the legislature met, ordered an investigation of the Oxford and McGee County frauds, and fixed the fourth of January, 1858, as the day whereon the people should vote for, or against, the Lecompton constitution.

Thus did it come about that this famous instrument of government was twice before the voters. On the first day, the twenty-first of December, 1857, the issue being the constitution with slavery or the constitution without slavery, the Free State men kept away from the polls. The result as given by Calhoun was, for the constitution with slavery, sixty-one hundred and forty-three votes; for the constitution without slavery, four hundred and eighty-nine. On the second day, the fourth of January, 1858, the issue being the approval or rejection of the entire constitution, the pro-slavery men did not vote. The result was, for the constitution, one hundred and thirty-eight; against it, ten thousand two hundred and twenty-six.

Long ere that day the quarrel had been transferred to

* Buffalo Daily Courier (Democratic), November 17, 1857.
† Providence Daily Post, November 17, 1857.
‡ Philadelphia Press, November 26, 1857.

Congress, where the opponents of the Lecompton constitution found a champion in no less a man than Senator Douglas. When news of the action of the Lecompton convention reached Chicago he declared he would oppose the constitution because, on the slavery issue, it violated the principle of the Kansas-Nebraska Act. Reaching Washington three days before the opening the session of Congress, he visited Buchanan and urged him to oppose it: but the President, despite his pledges to Walker, flatly refused. As Douglas told the story of the meeting Buchanan declared that in the annual message he would recommend that the Lecompton constitution be approved. Douglas replied that he would denounce it as soon as read: whereupon the President bade him "remember that no Democrat ever yet differed from an administration of his own choice without being crushed. Beware," said he, "of the fate of Tallmadge and Rives." "Mr. President," Douglas replied, "I wish you to remember that General Jackson is dead." * Each kept his word. Buchanan in his message declared that under the Kansas-Nebraska Act the Lecompton convention was not bound to submit to popular vote any part of the constitution save that relating to slavery. This he held was clear from the language of the act. Indeed, "under the earlier practice of the government no constitution framed by the convention of a Territory had been submitted to the people." But, the Kansas-Nebraska Act having required that the slavery provision be submitted, every citizen at the election on the twenty-first of December would have a chance to express his opinion, and the exciting question would be settled in the manner required by the organic law.

No sooner was the message read and a motion to print made than Douglas rose and attacked the policy of the President.

By this speech he was considered to have broken with his party, and henceforth all the power of the administration and all the influence of the office-holders were used against him. Led on by the Washington *Union,* the ad-

* Speech of Douglas at Milwaukee, October 13, 1860. Nicolay and Hay. Abraham Lincoln. A History, Vol. 2, p. 120.

ministration press proceeded to read him out of the party, called him a traitor, and charged him with giving new life to the half dead Republican party. Just at the moment when a vigorous effort of loyalty was all that was needed, said one, to quell discontent at the South, beat down anti-slavery in the North, and secure the quiet admission of Kansas into the Union, Stephen A. Douglas turns recreant to his faith and leagues himself with the enemies of order, equal rights, and the Union. He has done incalculable mischief by taking ground against Buchanan on the Kansas question, mischief that outweighs a thousandfold his past services.* Douglas is wrong in argument and in policy, said another. We will pass by the injury he does the country by creating dissension in the party, and by infusing new life into the dead carcass of the Black Republican party. He is wrong as a pacificator. The President has the best plan. Let us have Kansas in the Union as soon as possible.† All who are in favor of quieting sectional agitation, who have the peace of the country at heart, will say, admit Kansas at once.‡ The Washington *Union* gave a list of thirty-five Democratic newspapers in Pennsylvania which supported Buchanan's Kansas policy,§ and gave extracts from four in Ohio urging admission under the Lecompton constitution. The New York *News* had a list of some eighty in New York which had not varied a hair's breadth in their support of the President and the principles laid down in his unanswerable message.¶

On the other hand, there were Democratic newspapers which supported Douglas. A people, said one in Kentucky, have a right to vote on the organic law under which they are to live. In this instance they have been denied the right and it is sheer despotism to refuse it. ‖ This, said a Georgia editor, is another illustration of the old jest, "I will take

* New Orleans Bee, December 19, 1857.

† Dayton (Ohio) Daily Empire, quoted by the Washington Union, January 6, 1858.

‡ Ashland Union, Ibid., January 6, 1858.

§ Washington Union, January 5, 1858.

¶ Ibid., January 14, 1858.

‖ Louisville Democrat, quoted by Philadelphia Press, January 2, 1858.

the turkey and you the buzzard, or you take the buzzard and I will take the turkey." The popular sovereignty lovers of Lecompton never once say turkey to the people of Kansas. The thousand other questions which may interest the "white male inhabitants" in the formation of a constitution are treated with contempt.*

The people, likewise, were divided on the issue and in meetings held over all the country upheld or denounced the Kansas policy of the President. A convention of Democrats at Leavenworth repudiated the action of the Lecomptonites as anti-democratic, contrary to the Kansas-Nebraska Act, opposed to the inaugural address of Buchanan, in conflict with his instructions to Governor Walker, an infraction of the federal Constitution, and destructive of the right of self-government; protested against admission under the Lecompton constitution and adopted a memorial to Congress.† The Democratic State Committee of New Hampshire sided with Douglas. The Indiana Democratic Convention declared that no State should be admitted into the Union without a fair expression of the wish of the people. ‡ The legislatures of Ohio, Iowa, Michigan, and Wisconsin, Massachusetts, Connecticut, Rhode Island, and the House of Representatives of Nebraska denounced the Lecompton constitution and endorsed Douglas, and so did meetings at Cincinnati, Harrisburg, and New York, where Bancroft spoke, and at Philadelphia, where letters were read from Wise, Douglas, and S. S. Cox.

On the other hand, a caucus of members of the legislature of Virginia upheld the policy of the President, as did the legislatures of Alabama, Tennessee, Texas, and meetings of the people at Cleveland, at St. Louis, at Colebrook in Connecticut, at Forsyth in North Carolina, the Democratic State Convention of Pennsylvania, and a meeting of the Democratic editors of the State of New York.

While meeting after meeting of Lecomptonites and anti-Lecomptonites were passing their resolutions the official copy

* Columbus Enquirer, December 17, 1857.
† Philadelphia Press, January 9, 1858.
‡ Ibid., January 12, 1858.

of the Lecompton constitution arrived and was sent with a message to Congress. There were not, it said, two political parties in Kansas, but two bodies, one loyal to the government set up by Congress and the other in a state of rebellion against that government, and led by a turbulent and dangerous man. These men had never acknowledged, but had steadily defied the government to which they owed allegiance, and had sought to overthrow it and in its stead establish a revolutionary government under the so-called Topeka constitution. This was a treasonable government, a usurpation, and the pertinacity with which it was upheld made plain the reason why the Free State party did not vote for delegates to the Lecompton convention; and refused to vote on the question of slavery when submitted by it to the people. Had the whole Lecompton constitution been submitted they would doubtless have voted against it, not because they disliked any part of it, but because they had always opposed the territorial government from which it emanated.

If, however, Congress saw fit to give the disaffected a third opportunity to prohibit slavery in the State an opportunity they had twice enjoyed, no man could foresee the consequences.*

In the House a motion to send the message to a special committee of fifteen brought on a struggle which lasted from four o'clock one afternoon till half past six the next morning and was attended by scenes of disorder shameful to all concerned.† In the Senate the message was referred to the Committee on Territories. Of this Douglas was Chairman; but not one of the members supported him. Three were Southern pro-slavery men. ‡ Two were Northern anti-slavery men. § One from Iowa voted with the Southern members.

After deliberating for two weeks the pro-slavery members, led by Green, reported a bill admitting Kansas under

* Richardson. Messages and Papers of the Presidents, Vol. 5, pp. 471-481.

† February 4-5.

‡ Green of Missouri, Sebastian of Arkansas, Fitzpatrick of Alabama.

§ Collamer of Vermont, Wade of Ohio. The seventh member was Jones of Iowa.

the Lecompton constitution on certain express conditions. The Lecompton convention had adopted, and submitted with the constitution, an ordinance which contained the assertion that "the State of Kansas will possess the undoubted right to tax" land owned by the United States "for support of the State Government." This amazing claim she would, on admission to the Union, surrender if Congress would promise to grant her four sections of land in every township; all salt springs, gold, silver, and copper mines, and land enough about them to permit mining; seventy-two sections for a University; five per cent. of the net sales of land for schools and railroads; and alternate sections along the lines of two railroads, one across the State from North to South, and one from East to West. A grant, in short, of more than twenty-three and a half millions of acres worth, at the government minimum price, nearly twenty-nine and a half millions of dollars.

The committee would not hear of such terms and inserted in the bill the statement that Kansas was admitted into the Union under the Lecompton constitution on the express conditions, that nothing in it should be construed to be an assent of Congress to the ordinance annexed to the constitution, that the right of the people to alter, reform, or abolish their constitution at pleasure must not be abridged, and that Kansas should never interfere with the primary disposal of the public lands, nor levy any tax of any sort on any other property of the United States within her limits. Even in this form the bill was far from acceptable and late in March Crittenden of Kentucky offered a substitute which required that the constitution should be resubmitted to the people with certain propositions. These were, that two sections in each township should be granted to Kansas for schools; seventy-two sections for a University; ten entire townships for public buildings; not more than twelve salt springs with six sections adjoining each for the use of the State; and five per cent. of the net sales of public lands in Kansas for internal improvements. Kansas was to bind herself by an ordinance, irrevocable without consent of Congress, that she would never interfere with the primary

disposal of the soil by the United States; never tax the lands of the United States; and never tax the lands of non-residents higher than those of residents. The Senate, however, defeated the Crittenden substitute and passed the bill reported by Green.

When it came before the House, Montgomery offered a substitute providing that the Lecompton constitution should be resubmitted. If accepted by a majority of the voters the President was to proclaim Kansas a State in the Union. If rejected the people were to form a second constitution and propositions the same as those proposed by Crittenden should be submitted with the constitution.

Interest in the struggle now became intense. The House had then left the old chamber made famous by the great men of two generations, and held its sessions in the new wing of the Capitol where the Representatives still sit, and to this hall, on the day the vote was to be taken, came every member of the House save one, and a crowd of onlookers which filled the galleries, the floor, and the lobbies. To the delight of the spectators the Montgomery substitute for the Senate bill was agreed to, and the bill so amended went back to the Senate. Then began a struggle between the two houses. The Senate disagreed to the House amendment; the House voted to adhere to its amendment; the Senate insisted and asked for a conference and chose its conferees.* English in the House moved for a committee of conference to meet that from the Senate, and when the yeas and nays were counted the vote was a tie. The Speaker then voted in the affirmative, and William H. English of Indiana, Alexander H. Stephens of Georgia, and William A. Howard of Michigan were appointed.

The outcome of the conference was a compromise. It was agreed that the House should yield its demand that the Lecompton constitution be resubmitted; that the Senate should withdraw its opposition to the Crittenden-Montgomery proposition, and that nothing should be submitted to the people of Kansas save this proposition in lieu of the

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Green, R. M. T. Hunter, and Seward.

Lecompton ordinance. A bill, the English bill, as it came to be called, was accordingly reported, providing that the people should vote on the Crittenden-Montgomery proposition; that the ballots should read "proposition accepted" or "proposition rejected," and that, if it were accepted by a majority of the voters, the President should proclaim Kansas a State in the Union. If rejected no new constitution could be made till Kansas had a population sufficient to entitle it to a member of Congress under the census of 1850. Both houses passed the bill, and the second of August was fixed for the election.

That night there was great rejoicing in Washington. Cannon were fired, the President serenaded, and speeches made by Buchanan and Toombs, Gwin, Clay, Letcher, and Stevenson, who had gone to the White House to congratulate the President on the great victory over Douglas. After the serenade the crowd marched to the houses of prominent Democrats, listened to more speeches and to a salute of thirty-two guns, for it was believed that Kansas would soon be the thirty-second State in the Union.*

When the news reached Kansas a cry of indignation was uttered by the press, Democratic and Republican. We must swallow Lecompton, said one journal, or stay out of the Union till we have a population sufficient to entitle us to one representative in Congress. Threats being of no avail, a bribe is now offered. If, it is said, after all your shrieking and bellowing; if, after all your opposition to this swindle, you will give up your principles and say Amen, we will give you so much land for your schools, so much for your university, so much for your public buildings, so much money for internal improvements, and so many salt springs. The government does not own land enough to buy the people of Kansas.† Once for all we wish it understood that the people of Kansas scorn the base bribe offered by the English bill. No matter how long we stay out of the Union, we will vote down the monstrosity and spurn the

* Washington Union, May 2, 1858.

† Kansas Daily Ledger, quoted by the Washington Union, May 12, 1858.

bribe.* It is an insult to the honesty of the people. It seeks to buy acceptance of a constitution, again and again repudiated.† Said a Democratic newspaper in Philadelphia, the English bill offers a distinct bribe of large land grants to induce the people of Kansas to accept a constitution they loath and despise. It says, you must take this bribe and this bill of abominations if you wish to come into the Union. If you are perverse and spurn the bribe you will stay out till you have population enough to be entitled to a member of Congress.‡ To a Southern journalist the passage of the bill seemed a triumph for the South. It is, said he, a Congressional recognition of the Lecompton constitution. It affirms the principles for which the South has contended, admits Kansas into the Union as a slave State, and so consolidates the victory of 1854. Now it is certain that no federal prohibition will ever restrain the expansion of the pro-slavery power.§

But Kansas was not yet to enter the Union. On the appointed day in August eleven thousand three hundred votes were cast against the English proposition, and but nineteen hundred and twenty-six for it.

Douglas, when the vote was taken, was deep in another struggle quite as historic as his fight against Lecompton. The people of Illinois in the autumn of 1858 were to elect a legislature, and one of the duties of that body would be the election of a successor to Douglas in the United States Senate. That the man who had fought Lecompton, who had denounced the Kansas policy of the administration, who had been read out of the Democratic party, should never again be returned to the Senate was the earnest desire of the President and his supporters. To accomplish this it was necessary to split the party in Illinois and draw away from Douglas enough Democratic votes to make the legislature Republican. So well was the work done by the office holders that when the Democratic State Convention to nominate

* Lecompton Times, May 11, 1858.
† Weekly Journal, May 7, 1858.
‡ Philadelphia Press, April 24, 1858.
§ Richmond South, quoted by the Washington Union, May 11, 1858.

candidates for State Treasurer and Commissioner of Public Instruction met in Springfield it split in twain, and Buchanan's wing met in one chamber of the capital and the Douglas men in another.* The "Buchaneers" endorsed the Kansas policy of the administration, censured Douglas more "in sorrow than in anger," and adjourned to the ninth of June,† when nominations were to be made. The Douglas convention named their candidates, thanked Douglas and the Illinois delegation in Congress, and promised earnest and efficient support.‡

Republican leaders in the East were sure that the true policy of the party in Illinois was to forget the repeal of the Missouri Compromise, forget the Kansas-Nebraska Act, forget that Douglas had been the champion of slavery extension, and, joining with the anti-Lecompton Democrats, make Douglas their candidate and secure his return to the Senate. But the party in Illinois thought otherwise, and on June sixteenth the Republican State Convention at Springfield declared "that Abraham Lincoln is the first and only choice of the Republicans of Illinois for the United States Senate as the successor of Stephen A. Douglas." The announcement was not unexpected to Lincoln, and a few hours later he came before the convention and accepted the nomination in the carefully written, ever-famous "house-divided-against-itself" speech. He began by saying that the country was then in the fifth year since the adoption of a policy it was promised would put an end to slavery agitation. Not only had this policy failed to do so; but under its operation agitation had steadily increased. "In my opinion," said he, "it will not cease until a crisis has been reached and passed. A house divided against itself cannot stand. I believe this government cannot endure permanently half slave, half free. I do not expect the Union to be dissolved. I do not expect the house to fall; but I do expect it will cease to be divided. It will become all one

* Washington Union, April 22, 1858.

† Ibid., April 23, 1858, and May 6, 1858.

‡ Resolutions of both wings are in the Washington Union, April 27, 1858, and New York Tribune, April 26, 1858.

thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South." If anybody doubted that they could so push it forward he had but to contemplate that "piece of machinery" composed "of the Nebraska doctrine and the Dred Scott decision," behold what work the machinery could do, how well it was adapted to do it, and "the evidences of design and concert of action among its chief architects from the beginning."

When the year 1854 opened slavery, he said, was shut from more than half the States by their constitutions, and from most of the national territory by Congressional action. Ere it ended the Missouri compromise had been repealed and all the national territory turned into slave soil. It was not the intent and meaning of the act, so it said, to put slavery into, nor shut it out of, any Territory or State, "but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." What "subject to the Constitution" had to do with it outsiders could not then see. But it was plain enough now; it was to prepare the way for the Dred Scott decision. When that was about to be made the outgoing President, Franklin Pierce, exhorted the people to accept and abide by it, and the incoming President did the same, and when it was announced "subject to the Constitution of the United States" was found to mean that neither Congress nor a territorial legislature could exclude slavery from any Territory. We cannot, said he, absolutely know that all these exact adaptations are the result of preconcert. "But when we see a lot of framed timbers, different pieces, all of which have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger, and James, for instance—" see these timbers joined together, see them make the frame of a house or a mill, it is "impossible not to believe that Stephen, and Franklin, Roger, and James all un-

derstood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck." He charged these men, in short, with a conspiracy to nationalize slavery.

When this speech was made Congress was no longer in session; Douglas was now free to begin his campaign, and in July set out for Chicago, where great preparations were made to receive him. Streets and buildings were hung with flags and inscriptions, a committee went to Michigan City to act as escort, cannon announced the coming of his train, and it was with difficulty that his carriage and four could make its way through streets crowded with cheering people to the Tremont House. There all was a blaze of light. In front of it stood a huge transparency bidding welcome to the favorite of Illinois, and near by "a pyrotechnic structure" which, in the course of the evening, displayed the words Popular Sovereignty "in blazing letters." After the bands had played and the crowd cheered and enthusiasm had been raised to the proper pitch, the Little Giant came out on the balcony and made a speech.*

After a careful defense of his opposition to the Lecompton constitution and an allusion to Lincoln, who was present, as a worthy gentleman, a kind, amiable, and intelligent gentleman, a good citizen, and an honorable opponent, Douglas read the passage about the house divided against itself, and said, it is clear that Mr. Lincoln holds, as a fundamental principle of government, that there must be uniformity in the local laws and domestic institutions of the States; that he, therefore, invites the non-slave-holding States to band together and make war on slavery in Kentucky, in Virginia, in the Carolinas, in all the slave States, and continue the war until it shall be exterminated; that he calls on the slave States to stand together as a unit and make war on the free States, with a view of forcing slavery on Illinois, on New York, on New England, on every other free State, and to keep up the warfare till slavery shall be formally established in all of them; that, in fine, he advocates boldly

* Chicago correspondent, Philadelphia Press, July 15, 1858. This speech was made on Saturday night, July 9th.

and clearly a war of sections, a war of the North against the South, a war of extermination, a war to be carried on relentlessly till the one or the other shall be subdued, and all the States become free or all become slave.

Such uniformity in the local laws and domestic institutions of the States, Douglas made bold to say, was neither possible nor desirable. The framers of the Constitution never thought of it, but acted on the assumption that laws and institutions would be as diversified, as unlike as the States were numerous; that no two would be precisely alike because the interests of no two would be precisely similar. Uniformity would be ruinous to State rights, State sovereignty, personal liberty, and personal freedom. The moment it was proclaimed that all States must be slave or free, that all labor must be white or black, that all citizens must have the same privileges, that moment the greatest safeguard thrown around the rights of the citizen would be destroyed. If, said he, we expect to maintain our liberties we must preserve the rights and sovereignty of the States, carry out that great principle of self-government embodied in the compromise measures of 1850, endorsed by the legislature of Illinois in 1851, put in the Kansas-Nebraska bill of 1854, and vindicated by the refusal to bring Kansas into the Union with a constitution distasteful to her people.

Douglas then charged Lincoln with leading "a crusade against the Supreme Court" because of the Dred Scott decision.

Mr. Lincoln, said he, objects to the decision because it deprives the negro of all the rights, privileges, and immunities of citizenship, which, according to the decision, belong to the white man. I am fain to say that this government of ours is founded on the white basis, was made by the white man for the benefit of the white man, and is to be administered by white men in such wise as they shall determine. What rights and privileges the black man may have each State is to settle for itself.

When the Chicago speech of Douglas was read in the East the opinion that he had triumphed was widespread. The Little Giant, said one journal, took up Mr. Lincoln's

platform and reduced it to kindling wood in about three minutes. Mr. Lincoln is opposed to popular sovereignty and would have constitutions made by Congress. A better way to keep the country supplied with rebellion and civil war could not be invented. Mr. Lincoln thinks popular sovereignty a humbug. This only shows that Mr. Lincoln is not acquainted with the American people.* Another journal was of the opinion that it would have been better if the Republicans of Illinois had united to secure the return of Douglas. He deserved to be returned.† Still another regretted that the Republicans of Illinois could not have seen the wisdom of a policy different from that they had adopted.‡

On Monday evening Lincoln spoke and answered Douglas, and resented the construction put on his house-divided-against-itself doctrine. He was aware, he said, that our government had endured eighty-two years half slave, half free, and he *believed* it had so endured because, until the passage of the Nebraska bill, the people thought that slavery was in course of ultimate extinction. The adoption of the constitution and its attendant history led them to think so, and such was the belief of the framers of the constitution itself. When, therefore, he said that he believed the opponents of slavery would resist the further spread of it, and place it where the people would rest assured that it was in course of ultimate extinction, he meant that they would put it where the founders of the government originally placed it. Turning to the Judge's inferior race argument, Lincoln cited the words of the Declaration, "We hold these truths to be self evident, that all men are created equal," and claimed that the negro was included. The Judge's argument was that used by Kings in all ages for enslaving their people. They always bestrode the necks of the people; not that they wanted to, but because the people were better off for being ridden. Whether the argument came from the mouth of a King as a reason for enslaving

* Albany Knickerbocker.

† Hartford Courant.

‡ Newark Mercury, quoted by the Philadelphia Press, July 16, 1858.

his people, or from the mouth of men of one race as a reason for enslaving men of another, it was the same. If you began making exceptions to the Declaration where would they stop? If one man might say it did not include the negro, why might not another say it did not include some other men?

From Chicago Douglas went to Springfield, stopping at Bloomington on the way. His private train consisted of five platform cars, each carrying a cannon, and eighteen passenger cars in which were five companies of militia and a host of followers as escort. At every town along the route crowds gathered to stare and shout. At Bloomington ten thousand people, the newspapers said, heard him speak.* The speech was a reply to Lincoln, who was present. In it Douglas again explained the Kansas-Nebraska bill, defended his opposition to the Lecompton constitution and the English bill, again attacked Lincoln's house-divided-against-itself doctrine, again charged him with leading a crusade against the Supreme Court because of the Dred Scott decision, and with a desire to have the negro vote and hold office. "He thinks the Almighty," said Douglas, "made the negro his equal and his brother. For my part I do not consider the negro any kin to me nor to any other white man."

When Douglas spoke in Springfield on the afternoon of July seventeenth his topics were the same. Lincoln was not present; but on the night of the seventeenth he also spoke in Springfield, attacked the position of Douglas on Popular Sovereignty as applied to the slavery question in Kansas, explained what he meant by the house divided against itself, and by his opposition to the Dred Scott decision. The judge, he said, was making much of this principle of Popular Sovereignty. It was labeled on the cars in which he traveled, on the hacks in which he rode; it was flaunted on the arches under which he passed, and on the banners that waved over him. Nobody questioned the principle of Popular Sovereignty, the right of the people in

* July 16, 1858. St. Louis Democrat, July 19, 1858; the Philadelphia Press, July 22, 1858, published the speech.

a Territory to settle their ordinary matters of domestic concern. But Popular Sovereignty, as used in the campaign, did not mean the right of the people to settle their ordinary affairs, but their right to settle the issue of slavery. Now, the decision of the Supreme Court forbade the people in a Territory to exclude slavery. Judge Douglas, then, in upholding the Dred Scott decision, was opposing Popular Sovereignty, opposing the right of the people in a Territory to decide whether they would or would not have slavery. His own resistance to the decision was as a political rule, and in so doing he disturbed no right of property, created no disorder, excited no mobs. The doctrine of the sacredness of a Supreme Court decision was a new one with the Democratic party. That court had once held that Congress had a right to charter a national bank. But the whole Democratic party revolted. General Jackson revolted, declared he was not bound to think Congress had the power because the court said it had, and vetoed the bill to recharter. Nay, more, the Democratic National Convention at Cincinnati declared in their party platform that Congress had no such right. Yet Judge Douglas announced that he stood on that platform which repudiated a decision of the Supreme Court. Where was his consistency?

Each had now made three speeches, criticizing and answering the other, and in this discussion Douglas, it was felt, had the better of Lincoln. The doctrine of the house-divided-against-itself had shocked many anti-Lecompton Democrats and not a few Republicans. Douglas, said one who heard both candidates, has put Lincoln on the defensive and will keep him there. He is no match for the Little Giant. Well it might seem so, for Douglas, fighting for his political life, was at his best and spared nothing which could impress the crowd with his importance. The train of cars with its cannon, its inscriptions, its crowd of admirers; the bands, the flags, and the shouting followers all had a purpose. Wherever he went it was not, as the humble Lincoln, to speak for a cause, but as the popular idol, the conqueror come to rout the enemy, and on the farmers of Illinois this posing had great effect.

The speech-making having drifted into something like a running debate, and the issue of the campaign having been clearly stated, Lincoln saw his opportunity and proposed to Douglas that they "divide time and address the same audiences in the present campaign." The proposition was a bold one, for Douglas was a merciless opponent, a great debater, and a most effective stump speaker; but the advantage of answering Douglas on the spot and in the presence of those who came to listen to their hero, and who would not come to hear Lincoln, more than offset any superiority of Douglas as a debater. The Democratic State Committee had planned for him a State-wide campaign with a hundred and more speeches in as many towns scattered over all Illinois. But it would never do to refuse to meet his opponent face to face. After an exchange of letters it was, therefore, agreed to hold a joint debate at some important town in each Congressional district. Both had spoken in the second and sixth districts. They were, therefore, excluded, and Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton were chosen.

The speeches were made in the open from rude platforms put up on the village green or on the court house square. Whichever opened the debate had one hour, the other an hour and a half, and the first debater half an hour in which to close. Time was kept by men of both parties seated on the platform and was promptly called. The openings were to alternate, beginning with Douglas at Ottawa, on the Illinois River. The town was in a strong Republican district, and the crowd that came to hear the debate was not likely to be influenced by anything the Little Giant might say. Nevertheless, it was the largest which up to that time had gathered in that part of Illinois. Twenty thousand, it was said, were present. A special train of fourteen cars came loaded from Chicago. Another of eleven brought people from Peru and La Salle. Men and women came in wagons and carts; poured in from all the countryside, and filled the streets gay with flags and inscriptions. To this excited town Douglas, as usual, came as the champion, the invincible defender of the rights, liberties, and institutions

of a free people.* At Peru, sixteen miles away, a committee met him with a carriage and four, and when four miles from Ottawa a delegation of several hundred with flags and banners joined and escorted him into town, where a salute was fired in his honor. He came, said one who was present, like a great deliverer and held a public reception at the Geiger House. How different, says this witness, was the reception of Lincoln! As his procession passed the Geiger House scarcely a cheer went up; it marched silently as if attending the dead.†

The debate was held in Lafayette Square and opened at two in the afternoon. Douglas made the opening speech, and began by asserting that in 1854 Lincoln and Trumbull entered into an agreement, the one to dissolve the old Whig party, the other to dissolve the old Democratic party, and join the members of both into an Abolition party to be called the Republican party; that in accordance with the agreement the parties met in convention at Springfield in October, 1854, and put forth the platform of the Black Republican party. Douglas then read three of its planks in order that he might "put the question to Abraham Lincoln this day whether he now stands and will stand by each article in that creed and carry it out." He then asked Lincoln seven questions. Was he, as in 1854, in favor of an unconditional repeal of the Fugitive Slave law? Did he, as in 1854, stand plighted against the admission of any more slave States into the Union, even if the people wanted them; against the admission of a new State with such a constitution as its people might see fit to make; against the abolition of slavery in the District of Columbia? Was he pledged to oppose the abolition of the slave trade between the States; to oppose the acquisition of more territory unless slavery were forbidden therein? And was he pledged to prohibit slavery in all the territories North as well as South of the Missouri compromise line?

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* Special correspondent of the Philadelphia Press, August 26, 1858.

† Philadelphia Press, August 26, 1858. The Press printed Douglas' speech headed, "Great Discussion Between Douglas and Lincoln. Immense Enthusiasm. The Little Giant Triumphant."

As a stump speaker Lincoln was no match for Douglas. His voice, said one who knew him well, was shrill, piping, and unpleasant; his manner, his odd poses, diffident movements, yellow, dry, and wrinkled face were far from attractive. Another disliked his habit of rising on tiptoe, and the awkward up and down and sideway movements of his body to give emphasis to an argument. When he got up to reply, said one who heard him, he seemed laboring under great embarrassment. "Poor fellow, he was writhing in the grip of an intellectual giant. After speaking some twenty minutes he turned and asked the moderator how much time he had left. His speech amounted to nothing." It was full of "I think it so," "I may be mistaken." There was "no straightforward assertion." * Undoubtedly many in the audience felt the same lack of positive assertion so characteristic of Douglas. The earnestness and seriousness of Lincoln overcame all this, and he was heard with attention.

His reply to Douglas at Ottawa was not in his best form. He was rasped by the slurs and false statements of Douglas and answered them at length, declared that he would not allow Douglas to catechise him unless payment was given in kind, denied that he wished to make the black man the equal of the white, and said, in words which three years later he quoted to the crowd that came to see him inaugurated President of the United States, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." He defended the house-divided-against-itself doctrine; but made no answers to the seven questions of the Judge. As soon as the time-keepers called time, Douglas jumped down from the platform and hurried off to his train, waving his hat triumphantly from right to left and followed by a cheering crowd. Some fifteen minutes later a procession of several hundred, in the midst of which was Lincoln seated on the shoulders of four men, came up the street. His friends were carrying him to the hotel. Lincoln, said our

* Special correspondent, Philadelphia Press, August 26, 1858.

witness, has killed himself by saying that the negro is the equal of the white man, and that our laws should be uniform throughout the United States.*

The second debate was at Freeport on the twenty-seventh of August. Lincoln then answered the seven questions, saying that he was not pledged to this, that, or the other; that he was not pledged on any of the matters concerning which Douglas had questioned him. Having said this he went on and answered each more fully, put himself on record, and that record is of more than passing importance, for the time came when it fell to his lot to act finally on many of these issues. He believed that under the Constitution the people of the South were entitled to the Fugitive Slave law; but it should have been so framed as to be free from the objections lodged against it. He would be glad to know that not another slave State would ever be admitted to the Union; but, should the people of a Territory from which slavery had been excluded, when they made a constitution, do such an extraordinary thing as to adopt a slave constitution uninfluenced by the presence of slavery among them, he saw nothing to do but admit that State into the Union. Gladly would he see slavery abolished in the District of Columbia, but not unless it was done gradually, with the consent of a majority of the qualified voters and with compensation to the owners of the slaves. On the abolition of the slave trade between the States he had no opinion; the question had never been investigated by him; he did not know whether Congress had or had not power to do it. He believed Congress had authority and ought to abolish slavery in all the Territories, and, while not opposed to the honest acquisition of more territory, he would or would not withstand it according as he believed that it would or would not aggravate slavery.

Lincoln then asked Douglas four questions. If the people of Kansas, said he, by means altogether proper, adopt a constitution and seek admission before they number ninety-three thousand, will you vote to admit them? Can the peo-

* Special correspondent, Philadelphia Press, August 26, 1858.

ple of a Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution? If the Supreme Court decides that States cannot exclude slavery, will you accept, adopt, and follow such decision as a rule of political action? Are you in favor of acquiring territory regardless of how it may affect the nation on the slavery question?

Turning to the Springfield resolutions of which Douglas was making so much, Lincoln showed that there had never been a Republican State Convention at Springfield in 1854, that the resolutions in question were those of a Kane County Convention in which he had no part. The old charge of conspiracy to make slavery national was defended at great length.

To the first question of Lincoln Douglas answered that it was a sound rule to require a territory to have the requisite population for a member of Congress before it became a State and was admitted into the Union; that he had repeatedly sought to have Congress adopt this proposition; that Congress had not done so, but had made an exception of Kansas. By that exception he would stand, and "answer at once that, it having been decided that Kansas had people enough for a slave State, I hold that she has enough for a free State."

To the second question, said Douglas, I answer emphatically that "the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State constitution"; that "it matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution; the people have the lawful means to introduce it, or exclude it, as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations." "Those police regulations can only be established by the local legislature; and if the people are opposed to slavery they will elect representatives to that body who will, by unfriendly legislation, effectively prevent the introduction of

it into their midst. If, on the contrary, they are for it, their legislature will favor its extension. Hence, no matter what the decision of the Supreme Court may be on the abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill."

The purpose of Lincoln in asking the questions was to force Douglas to abandon either the Dred Scott decision that slavery could not be excluded from a Territory, or his Popular Sovereignty doctrine that the people of a Territory had the right to regulate their own domestic affairs. If he gave up the one he would lose his hold on the South. If he abandoned the other it would cost him the support of the North. In either case it would hurt his chance for the presidential nomination in 1860. His answer, therefore, that no matter which way the court decided the right of the people in a Territory to make it slave or free was perfect under the Nebraska bill, and that they could, if they wished, exclude slavery by "unfriendly legislation," aroused widespread interest and came to be called the "Freeport Doctrine" and brought down upon Douglas the wrath of the Southern press. One, in its anger, called Douglas and Lincoln a pair of depraved, blustering, mischievous, low-down demagogues,* and declared that on the Dred Scott decision Douglas had gone "dead against the South." Another looked on him as an enemy to the Democratic party.† The whole country is disgusted, said another, with the scene now exhibited in the State of Illinois. An election for members of the legislature which will choose a United States Senator is about to be held, and the most malignant, reckless contest that ever disgraced the annals of American history is going on for the Senatorship.‡ In the opinion of the administration journal Lincoln was either a shallow empiric, an ignorant pretender, or a political knave, and his election to the Senate would be a public disgrace and mis-

* Mississippian, quoted by the Washington Union, September 22, 1858.

† Southern Beacon (a Texas newspaper), Ibid., September 23, 1858.

‡ Norfolk Argus, Ibid., September 2, 1858.

fortune. Douglas was a self-nominated candidate for the Senate. Nobody had nominated him, no political convention had endorsed him; no political organization had accepted him as its representative.* The disgraceful character of the canvass in Illinois, so far from proving Douglas and Lincoln to be the two men in the State most worthy of the honor, had shown them to be the two men least worthy to be sent to the Senate. The Constitution had been outraged by their novel and vicious appeal to the people.† Many journals in the South were at great pains to refute the Freeport doctrine ‡ declaring it contrary to the Dred Scott decision and the principles of the party.

To the third question Douglas replied that he was amazed that Lincoln should ask it; that it was an attempt "to cast an imputation on the Supreme Court" by supposing that it would violate the Constitution; that such a decision "would be an act of moral treason that no man on the bench could descend to." In answering the last question Douglas declared himself an out-and-out expansionist. You cannot limit this great Republic, said he, by saying "Thus far shalt thou go and no farther." With the natural increase of our own population, growing with a rapidity unknown in any other part of the globe, with a stream of immigrants pouring in, more land, more territory on which to settle must be had, and, just as fast as our interests, our destiny demand more territory "in the North, in the South, or on the islands of the ocean, I am for it; and when we acquire it will have the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question."

Douglas then explained why he had believed the Kane County resolutions were those of a State convention at Springfield; said that anyway they were the principles of the Black Republican party, and had been endorsed by one of the moderators then on the platform, who at once in-

* Washington Union, September 15, 1858.

† Ibid., September 2, 1858.

‡ Washington (North Carolina) Journal; Columbia (South Carolina) Guardian; Mobile Register.

terrupted and said that he had drawn them. "They are," said he, "our creed exactly."

At Jonesboro, on September fifteenth, the third debate was held. The town was in the southern part of the State, commonly called "Egypt," and the people strongly Democratic. Little interest, therefore, was shown in the debate and the attendance was poor. Suiting himself to the feelings of his hearers, Douglas opened with his usual biased and partisan review of the political situation, restated his old charge of a Trumbull-Lincoln conspiracy and came at last to "the chief issues between Mr. Lincoln and myself." The first was the house-divided-against-itself speech, which was the same thing as saying to the South, you must not be content to mind your own business; you must invade the North, establish slavery there and so make it universal; and to the North, you must not be content to regulate your own affairs, you must invade the South, abolish slavery there and everywhere and so have the States all one way or all the other. What good would follow such a system of warfare? Suppose the North did conquer the South, what would she gain? Suppose the South conquered the North, would that preserve the Union? Why could not the Union exist half slave, half free? It could if each State would carry out the principle that it might do as it pleased without meddling with its neighbors. Live up to this principle and the Union would last forever and we might go on expanding indefinitely. The time might, nay had, come when our welfare might be furthered by the acquisition of Cuba. When we got Cuba we must take it as we found it, leaving the people to settle the question of slavery for themselves. So when it became necessary to acquire a part of Mexico, of Canada, or the adjoining islands, we must leave the people to have slavery or not as they chose.

The second issue between Lincoln and himself, Douglas said, was the Dred Scott decision on which Lincoln was making war. Lincoln's great objection to it was that it deprived the negro of the right of citizenship and he was forever citing the Declaration of Independence to prove that all men are created equal. Douglas did not believe that the Signers

of the Declaration referred to the negro when they declared all men created equal. They meant white men, men of European birth and European descent, and not negroes, savage Indians, Fijians, Malays or any other inferior or degraded race. The negro ought to have every right, privilege and immunity he was capable of enjoying, and what these should be each State must decide for itself.

Lincoln answered that he agreed with the Judge that each State had a right to do as it pleased concerning its domestic affairs including slavery, and to the questions, Why can't the Union exist half slave, half free? Why can't we let it stand as our fathers placed it? replied, that the Judge and his friends had changed it from the place where the fathers left it. They left slavery in the course of ultimate extinction. But the Judge and his friends had put it on a new basis by which slavery was to become everlasting and national. Why, he asked, could not Douglas let the Compromise of 1850 alone? There was no sort of necessity for destroying it in order to organize Kansas and Nebraska.

The house-divided-against-itself doctrine was then again defended, and as Douglas in his Freeport speech read some Republican resolutions to show the creed of that party, Lincoln retorted by reading some Democratic resolutions to show that they formed a platform on which Douglas could not stand. He then passed to his four questions and reviewed the answer of Douglas to the second, the Freeport doctrine. In 1856, when asked by Judge Trumbull in the Senate, whether the people of a Territory could exclude slavery prior to the formation of a State constitution Douglas had replied, that was a question to be decided by the Supreme Court. The Court had since decided that question in the Dred Scott case and Douglas had declared that he would adhere to it. Yet, in his answer to the second question he had said, that despite the Supreme Court the people might exclude slavery by unfriendly legislation. "Does he not virtually shift his ground and say that it is not a question for the court, but for the people? Lincoln then asked a fifth question, which was: If slave-holding citizens of a Territory needed and de-

manded Congressional legislation for the protection of their slave property, would you, as a member of Congress, vote for it?

Douglas in reply complained that Lincoln would not answer his questions. Nevertheless, after some comment on the resolutions Lincoln had read, he replied to the fifth question saying, that non-intervention by Congress with slavery in the States and Territories was a fundamental article in the Democratic creed.

The fourth debate was at Charleston, September eighteenth. Lincoln denied he was in favor of the social and political equality of the white and black races, and turned to take up an old charge of Trumbull that Douglas was party to a plot to put in force in Kansas a constitution not submitted to the people. Douglas denied it, went over the charge of conspiracy between Taney, Pierce, Buchanan, and himself, and asked Lincoln if he was in favor of negro citizenship, and argued that the country could exist half slave, half free.

The fifth debate at Galesburg was on October seventh. Eighteen thousand people were said to have attended. A special train brought two thousand from Peoria. Lincoln was presented with a banner by the students of Lombard University, and an embroidered shield and coat of arms by the women of Galesburg. Douglas defended his attitude toward the Kansas-Nebraska bill, Popular Sovereignty, and Lecompton, complained of persecution by the administration, charged the Republican party with sectionalism and Lincoln with being bold and radical in northern Illinois and an old line Whig in Egypt, and that he held that the white man and the negro were made equal by the Declaration of Independence. Lincoln denied that he insisted on the social and political equality of the races; that the Republican party was sectional; that the compromise of 1850 contained the principles of the Kansas-Nebraska bill; reviewed the Judge's answers to the four questions put to him at Freeport, and stated his views on the Dred Scott decision. Douglas again charged him with having different principles in different parts of the State, reviewed the Dred Scott decision, and

explained his mistake as to what he had called Springfield resolutions.

During the sixth debate at Quincy on October thirteenth Lincoln disavowed responsibility for the so-called Springfield resolutions, discussed the Dred Scott decision, and restated his principles. Douglas went over Lincoln's charge of conspiracy to nationalize slavery, and his answers to the seven questions, and asked, "Will you vote to admit Kansas into the Union with just such a constitution as her people want, with or without slavery, as they shall determine?" Lincoln did not answer. Douglas then repeated the question, substituting New Mexico, and then Oregon, and then the new States that might be cut from Texas; but Lincoln did not answer. Douglas then argued to prove that Lincoln had one set of principles for one part of the State and another set for another part, restated his position on the Dred Scott decision, defended his Freeport doctrine, and was answered by Lincoln.

The seventh and last of the joint debates was held on October fifteenth in the public square adjoining the new City Hall at Alton. The speakers' stand bore no political flags or mottoes, for those in charge of the meeting had expressly forbidden their use. Ten thousand people, it was said, were present, for crowds came from all the nearby towns. Douglas opened the debate by telling how Lincoln at Springfield had said that this government could not endure half slave, half free; how he had started a crusade against the Supreme Court because, in the Dred Scott decision, it had declared a negro could not be a citizen; how at Chicago issue was joined with Lincoln on these two points; how Lincoln in reply raised a third, that the positive statement in the Declaration of Independence that all men were free and equal included the negro; how he had taken issue with Lincoln on this point; how in all his speeches he had confined himself to these three propositions; how at Ottawa he had asked certain questions of Lincoln, and how at Freeport Lincoln answered them. He then repeated what he had so often said, that if the people of a Territory wanted slavery let them have it; if they did not want it let them

prohibit it; that he fought the Lecompton constitution to the death because it was not the act and deed of the people of Kansas; that under our system of government there was no power on earth which had a right to force a constitution on an unwilling public. Yet Buchanan had made war on him because he would not vote for the English bill, and every postmaster, route agent, collector of a port, every federal office holder in Illinois forfeited his head the moment he expressed a preference for the Democratic candidate over Lincoln and his Abolition associates. But he would never abandon the principle.

Lincoln replied that the assertion that he made an "especial objection" to the Dred Scott decision because it denied citizenship to the negro was "untrue in point of fact," and accused the Judge of garbling his speeches. When he asserted that the words "all men" in the Declaration of Independence included the negro he asserted what, till three years before, no man had ever denied. Men had, indeed, denied the truth of it. Calhoun and all the politicians of his school had denied the truth of the Declaration. Mr. Pettit of Indiana on the floor of the Senate had called it "a self-evident lie." But, till three years before, there never lived a man who had assailed it in the sneaking way of pretending to believe it and then asserting that it did not include the negro.

Judge Douglas had intimated that all the trouble over slavery was the work of office seekers and Northern politicians. The real issue in this controversy, said Lincoln, the one pressing on every mind, is the sentiment on the part of one class that slavery is wrong, and the sentiment of another class that slavery is right. The sentiment that looks on slavery as wrong is that of the Republicans. The sentiment that treats slavery as not wrong is the Democratic. Judge Douglas says he does not care whether it is voted up or voted down in the Territories. Any man can say that who does not see anything wrong in slavery; but no man can say it who does think slavery wrong, because no man can logically say he does not care whether a wrong is voted up or voted down. This is the real issue. It is the eternal

struggle between these two principles—right and wrong—throughout the world.

It must not be supposed that the labors of Douglas and Lincoln were confined to the joint debates. Each spoke almost daily. Indeed, it is said that Douglas made a hundred and twenty speeches in one hundred days, and all but two in the open air. Fifty-nine were set speeches of from two to three hours each. Seventeen of from twenty to forty-five minutes each were in response to serenades, and thirty-seven of about the same length were in response to addresses of welcome. Seven were made in the debates with Lincoln. Douglas spoke in fifty-seven counties in the State, traveled five thousand two hundred and twenty-seven miles by road and railroad, and the entire western side of the State and all the navigable rivers by steamboat. Never had Illinois known such a campaign, and never had a campaign in Illinois aroused such widespread interest.

When the election was over the legislature on joint ballot stood: Douglas, fifty-four, Lincoln, forty-six, and the Little Giant was elected Senator. Had the contest depended on popular majorities Lincoln would probably have been chosen, for the Republicans carried the State ticket and elected the State Treasurer and Commissioner of Instruction. The candidates put forward by the Buchanan Democrats received but five thousand and seventy-one votes. The triumph of Douglas over Buchanan and Lecompton was complete and was hailed with wild delight. Nor was it the only defeat the President suffered. In his own State anti-Lecompton Democrats, Republicans, and Americans put a People's party ticket in the field in opposition to the regular Democratic, and elected their candidates.

Elsewhere in the North the election was quite as exciting. Jefferson Davis, now the recognized leader of the Southern Democracy, spoke in Portland, Boston, and New York. Seward, the recognized leader of the Republicans, in a famous speech at Rochester, discussed the question, "Does the Democratic party deserve to retain the confidence of the American people?" Our country, he said in the course of his remarks, was a theater exhibiting in full oper-

ation two political systems utterly unlike. One rested on the labor of slaves and the other on that of freemen. These two systems had never endured permanently in one nation and never could. Those who thought this collision unnecessary, accidental, the work of agitators, were much mistaken. "It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free labor nation. Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will be ultimately tilled by free labor and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men." *

The sentiment was not unlike that uttered a few months before by Lincoln in his house-divided-against-itself speech. But the effect it produced at the time was far greater. Seward was a national character, was bitterly hated by Southern men, and was still regarded as the probable candidate of the Republican party in 1860. Whatever he said went far and wide, and his words "irrepressible conflict" were instantly taken up and repeated over and over again till the time came when the cotton and rice fields of South Carolina and the sugar plantations of Louisiana were cultivated by free labor.

The Illinois struggle ended, Douglas set off for Cuba in search of better health. His route was down the Mississippi, and on the way he spoke to great crowds at Memphis and New Orleans. He was then in a section of the country where the actions of Walker in Mobile were eagerly watched, and where the annexation of Cuba was much desired. He reminded his hearers, therefore, that in 1850 he had opposed the Clayton-Bulwer treaty, and when on one occasion Cass asked why he wanted Central America,

* New York Tribune, October 28, 1858.

which was so far away, had replied that he wanted it because it was half as far away as California and in the direct route thither. Whether we wanted or did not want it made no difference. The time would come when our destiny, our institutions, our welfare would force us to take it. We must have it. And so it was with Cuba.*

At New Orleans, after speaking on various topics, someone in the crowd cried out, "What about Cuba?" "It is our destiny to have Cuba," Douglas answered, "and you can't prevent it if you try." Acquisition of the island was necessary to American progress; but was a question of time. The same was true of Central America and Mexico. As our population increased and our welfare required it, new territory would be acquired.†

From New Orleans Douglas went on to Cuba and thence by sea to New York, where the city gave him a reception, and he spoke to the crowd that came to serenade him at the Everett House. After defending and explaining Squatter Sovereignty Douglas turned to expansion and said, "This is a young, vigorous, and growing nation, must obey the law of increase, must multiply, and as fast as we multiply we must expand. You can't resist that law if you try. He is foolish who puts himself in the way of American destiny." He would not say we ought, at one blow, to acquire a vast amount of territory. On the contrary, we should go slowly, gradually, steadily, Americanizing first, annexing afterward.‡

January tenth Douglas took his seat in the Senate to find that during his absence he had been deposed from the chairmanship of the Committee on Territories, a place he had held for eleven years.

* Memphis Avalanche, November 30, 1858.
† New York Tribune, December 14, 1858.
‡ Ibid., January 1, 1859.

CHAPTER XCIV.

FILIBUSTERS AND SLAVE TRADERS.

While Douglas at New Orleans was expressing his views on Cuba, expansion, and the manifest destiny of the United States, the people of that city were watching the preparations of Walker for a new invasion of Nicaragua. Scarcely had the great filibuster set foot in our country after his flight from Nicaragua than he began to organize another expedition in hope of regaining the prize he had lost. That he would, if successful, seek to annex Nicaragua as a slave-holding State was no secret, and this purpose found so hearty a support in the South that the State Department sent out a circular to the District Attorneys calling on them to be vigilant and enforce the neutrality laws,* and the Navy Department, believing that an expedition would gather in the harbor of Chiriqui, sent the *Fulton* to that port to await the orders of Flag Officer Paulding, commanding the Home Squadron at Aspinwall. But in spite of this watchfulness Walker sailed from Mobile with a hundred and fifty followers feigning to be passengers and landed at Punta Arenas. News of the landing was brought to Paulding by the British ship *Dee,* and with all possible speed he hastened to Greytown, reached it on the sixth of December, sent a force on shore, and called on Walker to surrender.† For this Paulding had no authority whatever; nevertheless, Walker obeyed and his men were taken to Norfolk on the *Saratoga.*

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* Senate Executive Document, 35th Congress, 1st Session, No. 13, Vol. 1.

† Ibid.

He was carried by Paulding to Aspinwall, sent to New York, and escorted by the Marshal to the office of the Secretary of State, who would not recognize him as a prisoner, and he was at once set free. Paulding was denounced over all the South. At an indignation meeting at Mobile, held to express "the deep and universal sympathy felt for Walker," it was declared that he had been forced from the country of his adoption, the country of which he was President, by the interference of Captain Davis; that he had a right to return, and his men a right to emigrate; and resolutions were adopted calling for his restoration, for a repeal of the neutrality laws, and censuring the administration.* Resolutions of censure were introduced into the legislatures of Alabama and Virginia,† indignation meetings were held at Petersburg ‡ and New Orleans,§ the hero of the hour was serenaded at Washington, and the Senate promptly called for letters, orders, and instructions connected with his arrest by Paulding.

Buchanan sent them with a long message, admitted that in arresting Walker after he had landed in Nicaragua Paulding had committed a grave error, but believed he had done so from patriotic motives and under sincere conviction of duty. But the Democrats abused Paulding roundly, hot speeches denouncing his act were made in Congress, and a House Committee reported a resolution of censure. A minority of the committee, however, presented a paper declaring that in arresting Walker and his men and returning them to the United States Paulding had acted within the spirit of his orders.¶

From Washington Walker went to New Orleans, where he was arrested for violating the neutrality laws,‖ and brought to trial; but the jury disagreed and the District Attorney entered a *nolle prosequi*.** Once more free to do

* New York Tribune, January 4, 8, 1858.
† Ibid., January 5, 1858.
‡ Ibid., January 8, 1858.
§ Philadelphia Press, January 1, 1858.
¶ House reports, 35th Congress, 1st Session, Vol. 1, No. 74.
‖ New Orleans True Delta, March 4, 1858.
** New York Tribune, June 4, 1858.

as he pleased, he at once began to prepare for another expedition. Bonds were sold to raise money, men were enlisted as emigrants, a ship was secured, and a circular sent out to his followers. You are advised, it read, that on the tenth day of November a vessel will sail from Mobile for San Juan del Norte, carrying passengers and freight. Should you, or any person in your neighborhood, desire to emigrate to Central America it will be wise for you and your companions to secure passage at once.* Alarmed at these preparations Yrissarri, the minister from Nicaragua, sent forth a warning, and Buchanan issued a proclamation. Hearing that Nicaragua was threatened with a new invasion of filibusters who would seek to enter as colonists, Yrissarri informed the public that all foreigners, on their arrival in Nicaragua, must show passports properly made out and signed by a minister or Consul-General of the Republic; that all who attempted to enter without passports would be stopped and turned back; but passengers going directly from ocean to ocean and embarking immediately for California would not be required to carry such certificates.† Buchanan announced his belief that certain persons, in violation of the neutrality laws, had set on foot a third military expedition against Nicaragua, and had issued and sold bonds and other contracts pledging the public lands in Nicaragua and the transit route as security, obligations of no possible value unless the existing government should be overthrown. No doubt existed, therefore, that these persons sought to leave the United States with hostile purposes against Nicaragua. But they could not go disguised as peaceable emigrants. That ruse had been successful once before, and a vessel which carried them had been cleared from Mobile with no arms on board. Yet when Nicaragua was reached all were fully armed and equipped. Moreover, leaders of former expeditions had openly declared their intention to renew hostilities. One of them, twice driven from Nicaragua, had, through the newspapers, invited American

* The circular was dated at Mobile, October 10. New York Tribune, October 25, 1858.

† New York Tribune, October 28, 1858.

citizens to emigrate to Nicaragua, had named Mobile as the place of departure and San Juan del Norte as the port for which they were bound, and had notified the collector at Mobile that two or three hundred emigrants would be ready to sail thence about the middle of November. For these and other good reasons Buchanan called on all officials, civil and military, to be watchful, active, and faithful in putting down these unlawful enterprises, and exhorted all good citizens to aid them.* The *Tribune* remarked that the proclamation would probably receive as much attention as a circus poster, and it did. Walker hurried forward his preparations; but the collector refused a clearance because those active in loading the *Alice Painter* were the persons who sold the passage tickets and obtained clearance for the *Fashion*, in which the filibusters had escaped in November, 1857, and announced that the vessel should not sail save under orders from Washington. Great excitement followed; the four hundred pretended emigrants clamored loudly for return of their passage money and appointed a committee to arrange with the agents of the vessel. Meanwhile a schooner, the *Susan* by name, was secretly chartered, and with a hundred and fifty filibusters on board went off in the darkness and fog without a clearance.† When near Mobile point she was overhauled by an armed boat from a revenue cutter; but the emigrants refused to suffer the men to come on board, and threatened to use force. Lieutenant White, however, reached the deck and ordered the captain to drop anchor; but he would not, and sailed away with the Lieutenant as his "guest." ‡ The cutter gave chase, but ran aground, and when it got off the *Susan* was far out at sea.

To the President the news of her escape was most annoying. Should a British vessel stop her he feared the volunteer movement would break all bounds, hundreds rush to the rescue of the emigrants, and trouble be made by

* Executive Documents, 35th Congress, 2d Session, Vol. 5, No. 25.

† Ibid.

‡ New York Tribune, December 9, 10, 1858. When 250 miles out Lieutenant White was put on the bark *Oregon* and arrived at Mobile, December 13. New York Tribune, December 15, 1858. An account of his experience is given in the Tribune, December 23, 1858.

Great Britain and France. What right have foreign nations to meddle in the affairs of this Continent? Where is the Monroe Doctrine? were questions that would be asked over all the country.* It was hoped, the administration paper said, that the filibusters would be cut off and brought back by our own vessels in the Gulf. On the vigilance of our officers depended, perhaps, the peace of the world.† Greatly to the relief of the President, the *Susan* was wrecked on the coast of Honduras and the filibusters were brought back to Mobile on the British warship *Basilisk* as an act of courtesy.‡

The newspapers which reported the loss of the *Susan* also reported the arrival in the Savannah River of the yacht *Wanderer* with a cargo of slaves from Africa. For several years past a steady movement for reopening the foreign slave trade had been under way in the South. The price of slaves had become almost prohibitive. A thousand, even eighteen hundred, dollars was often paid at the auction block for a prime negro. Smuggling, therefore, increased, and the feeling that unless relief was afforded, by a repeal of the laws forbidding the slave trade, the agricultural welfare of the South would suffer a serious decline spread far and wide. Toward such repeal a Grand Jury of the Williamsburg District in South Carolina led the way by presenting "the federal law abolishing the African slave trade as a public grievance." Re-establishment of the trade would be a blessing to the American people and a benefit to Africa.§ Ere another year passed the Governor of South Carolina spoke so plainly that the country took alarm. If, he said, the demand for slave labor could not be supplied, then the South must expect to receive a kind it did not want, a kind antagonistic to her institutions. That her drays should be driven by slaves, her factories worked by slaves, her hotels served by slaves, her locomotives manned by slaves, was far better than to be exposed to an inroad from any quarter of

* New York Tribune, December 13, 1858.
† Washington Union, December 11, 1858.
‡ New York Tribune, December 11, 1858.
§ British and Foreign State Papers, 1854-55, p. 1156.

a population alien by birth, training, and education; a population which in time would lead to that conflict between capital and labor which made it so difficult to maintain free institutions in countries where slavery did not exist. In all slave-holding States the superior race should direct, the inferior race perform, all manual service.* A special committee of seven was appointed to consider and report on the subject. Six were in favor of reopening the slave trade, and one opposed.† So much attention was attracted by this utterance that Congress had scarcely assembled when four resolutions on the subject were offered. One, that it was inexpedient to repeal the laws forbidding the slave trade, never came to a vote.‡ Another that the House of Representatives, expressing as they believed public opinion North and South, was utterly opposed to the reopening of the slave trade, shared a like fate.§ Two, however, that, declaring it inexpedient, unwise, and contrary to the settled policy of the country to repeal the laws forbidding the African slave trade;¶ and that declaring all suggestions and propositions of every kind, by whomsoever made, for a revival of the African slave trade were shocking to the moral sentiment of the enlightened portion of mankind, and that any act of Congress conniving at or legalizing that horrid and inhuman traffic would justly subject the government and citizens of the United States to the reproach and execration of all civilized and Christian people, were passed.‖

The commercial convention of 1856 held at Savannah appointed a committee to report to that to be held at Knoxville in 1857,** where a resolution calling for the abrogation of the cruising convention of the Webster-Ashburton treaty was passed, and a committee appointed to report on

* New York Tribune, November 29, 1856; Carolina Times, November 26, 1856.

† DuBois. Suppression of the Slave Trade, p. 277.

‡ December 15, 1856, Congressional Globe, 34th Congress, 3d Session, p. 123.

§ Ibid., p. 125.

¶ Ibid., pp. 125-126. Yeas, 183; nays, 8.

‖ Ibid., pp. 123-125. Yeas, 152; nays, 57.

** DeBow's Review, Vol. 18, p. 628.

the subject to the convention at Montgomery in 1858.* The report there presented recommended the adoption of three resolutions setting forth that slavery was right; that being right there was no wrong in the natural means of its increase; that it was expedient and proper to reopen the foreign slave trade, and that a committee of one from each slave-holding State consider the means for reopening that trade and report a plan to the next convention. A warm debate followed before a decision was reached that for any State or its citizens to attempt to reopen the African slave trade while that State was one of the United States was not expedient.

The convention met in May, and a few weeks later the attention of the whole country was drawn to the matter by Great Britain. When the cruising convention was inserted in the Webster-Ashburton treaty the slave trade was almost entirely confined to Cuba, Brazil, and the Southern States. Since that time the trade had declined with Brazil and become more active than ever with Cuba. Vessels built in the United States and sold to Cuban traders went by scores to the African coast and returned to the island laden with slaves. By treaties with France, Spain, Portugal, indeed, with most European countries, Great Britain had acquired the right to visit ships under their flags if suspected of being slavers. No such right, however, had been granted by the United States, and, in consequence, the African slave trade was chiefly prosecuted under the fraudulent assumption of the American flag. The Cuban market was supplied by vessels fitted out in American ports, and, no matter who owned them, American citizens, colonial Spaniards, or foreign residents in the United States, they hoisted the American colors to shelter themselves from British cruisers.

Failing in her attempt to destroy this trade by attacking it at the African end, Great Britain had begun on the Cuban end, and a fleet of cruisers were visiting our ships in the ports and in the waters that washed the shores of Cuba. From the end of March scarce a vessel from the Gulf region

* DuBois. Suppression of the Slave Trade, pp. 170-171.

came into port but the captain had a tale to tell of how he had been fired into, stopped, boarded, and forced to show his papers. One, hailing from Fall River, had been boarded off Matanzas; another, from New York, had been examined off Janico; another had been overhauled off Inagua; and still others from Portland, Boston, and New Orleans, till in a few weeks a score of such cases had been reported.

The consul at Havana informed the Secretary of State that boats from British cruisers were stationed near American vessels when taking on a cargo, and a note made of every article put on board, and that fifteen ships in the port of Sagua la Grande had been visited by British officers and the captains forced to show their papers. Indignant at this sudden enforcement of a claim long denied and resisted by the United States, Cass called on the Secretary of the Navy to send one or more armed cruisers to the Gulf for the protection of American shipping. Such outrages against our vessels, he said, could not fail to lead to serious consequences. "Their forcible search by the cruisers of other powers upon the high seas cannot be tolerated." Dallas was instructed to state the earnest expectation of the President that the matter would receive prompt attention from the British government, and that officers guilty of these outrages would be held responsible.* At New Orleans resolutions were offered in the Common Council authorizing the Mayor to equip and send into the Gulf an armed vessel, and a mass meeting called to consider the propriety of such action recommended that every vessel be armed before leaving port and, if necessary, resist search by force of arms.†

The cause of visit was well stated by a British officer on the *Jasper,* a vessel that had detained more than one American merchantman. France, Spain, Portugal, and Brazil, he said, permitted vessels under their flags to be visited. If Americans wished exemption they must, therefore, show their colors, for merchantmen were not exempt as such, but because they were American. When a vessel

* House Executive Documents, 35th Congress, 1st Session, Vol. 13, No. 132.

† Washington Union, June 1, 1858.

at sea would not show her colors, how was her nationality to be known? And if fired into without colors no nationality was invaded, because none was claimed. Now, American captains often refused to hoist their flags, or ran them up and at once lowered them, a proceeding which raised a doubt as to the right to use the flag. Hence the visit became absolutely necessary.

The Senate Committee on Foreign Relations reported three resolutions, declaring that an American merchant ship on the high sea bearing the American flag was under the jurisdiction of the United States; that any visitation, detention, or molestation, force or the show of force, by a foreign power was derogatory to the sovereignty of the United States; that repeated violations by Great Britain required such an unequivocal and final settlement of the matter as should prevent a repetition of such occurrences, and the action of the President in sending armed vessels into the infested seas was approved.*

The London press was strong for peaceful measures. One feared danger was imminent unless Great Britain receded from her untenable position.† Another ‡ declared if injury had been done England could not refuse the reparation demanded by Cass, and called for such forbearance as would not endanger the friendly relations between the two countries. A third wished that both sides have a hearing.

When the Secretary for Foreign Affairs was asked in the House of Lords if he could give any information which would allay the grave feeling of uneasiness which prevailed in the public mind he answered, that if the acts complained of were found to be as reported Her Majesty's Government was not prepared to support them,§ and that orders had been sent to stop the search of vessels in Cuban waters.

The excitement caused by the action of the British cruisers had not been allayed when the slaver *Echo,* with some

* Senate Reports, 35th Congress, 1st Session, Vol. 2, No. 285.
† The London Star.
‡ The London Post.
§ London Times, June 8, 1858.

three hundred naked Congo negroes on board, captured off the north coast of Cuba by the *Dolphin* of the United States Navy, entered Charleston with a prize crew. The first question that arose was one of jurisdiction.* Should they be held by South Carolina under her act of 1835 as a negro crew brought within her authority, or should they be held by the United States under laws against the slave trade? Decision was in favor of the United States.† Then arose the question what should be done with them. The law, said a Richmond newspaper, is plain enough; but is it practicable? The law required that the ship be confiscated, the owners fined double the value of the ship and cargo, that the captain be hanged, and that the negroes be sent back to Africa. Who knew from what part they came? Casting them loose on the coast was of doubtful humanity. Liberating them in South Carolina was impossible. Nothing remained, then, but the selection of good masters who could turn these useless barbarians into useful laborers.‡ A citizen of Charleston asked, why send them back? They were wanted by the planters, by the mechanics, by the railroads. They had reached the threshold of civilization. Why return to barbarism? They had come within the influence of Christianity. Why return them to heathenism? There was no reason save that another section of the country looked with disgust on the institutions of the South and called on her to make this sacrifice of interest to humanity.§ The New York *Times* believed that the sight of half a million dollars' worth of pagans uncivilized, helpless, ignorant, unfit for liberty, would so affect the South Carolina conscience that it would not let these black Israelites go. They might yet find in South Carolina the slavery they had escaped in Cuba. Buchanan now came to their rescue, and, holding the law to be mandatory, ordered them to be carried back to Africa in a government ship, and contracted with the Colo-

* Charleston Courier, August 31, 1858; Washington Union, Sept. 3, 1858.

† New York Tribune, September 6, 1858.

‡ Richmond Enquirer, September 1, 1858.

§ Charleston Courier, August 28, 1858.

nization Society to feed, clothe, house, and instruct them for a year.

As was to be expected, the arrival of the *Echo* caused renewed interest in the reopening of the African slave trade, and resolutions on the subject soon appeared in the legislature of South Carolina. They declared that the Federal Constitution contained no grant of power authorizing Congress to meddle with the commerce of foreign nations. Therefore, all laws purporting to forbid the slave trade between foreign nations were unconstitutional, null and void. And so was the act making the slave trade piracy, because it converted into piracy what was not so in the nature of things, nor in the sense in which that word was used in the Constitution.* Governor Perry of Florida opposed reopening the African slave trade. Not that he had any "sickly sentimentality on the subject," but because the South was divided in its views. There was a domestic slave-breeding interest strongly opposed to foreign competition.† A member of the Arkansas legislature introduced a joint resolution instructing the Senators and requesting the Representatives to use their influence to suppress and put down every attempt to reopen the slave trade with Africa; but it failed to pass.‡

It was just at that time that the *Wanderer* entered the Savannah River and landed a cargo of Africans at Brunswick. Her captain and part owner was W. C. Corrie of the New York Yacht Club. Leaving New York in June, 1858, the yacht went direct to Charleston, remained a few days, sailed thence to Port of Spain, Trinidad, where the officers received much attention, and after a stay of nearly three weeks left for the coast of Africa, where she fell in with the British warship *Medusa*. So well did her owner keep up the semblance of a gentleman of wealth cruising for pleasure that dinners and courtesies were exchanged with

* Introduced into the Senate of South Carolina, November 26, 1858. New York Tribune, November 29, 1858. The resolutions in full and a report of the debate are given in the Tribune, December 1, 1858.

† New York Tribune, December 8, 1858.

‡ Ibid., January 5, 1859.

the officers of the *Medusa,* and her character of slaver was not suspected when she sailed for the Congo to take on her cargo of slaves.* When several hundred were packed between decks the *Wanderer* made for the coast of Georgia, and, entering St. Andrews Sound, lay at anchor there while Corrie announced her arrival to another of her owners, Charles A. Lamar of Savannah. The Africans were first landed on Jekyl Island, were then taken up the Savannah River,† and put ashore on the Carolina side some fifteen miles above Savannah, were finally brought to a plantation two miles from Augusta, and were then scattered over the country.‡ The District Attorney acted with promptness, the *Wanderer* was seized, Captain Corrie and such of the crew as could be found were arrested, and proceedings were begun before the United States Commissioner at Savannah. Unhappily nobody was punished, and the *Wanderer,* when put up for sale at auction, was bought by Lamar. With astonishing effrontery he appeared at the sale, told those present that the vessel was his, that she had been wrongfully seized, and asked them not to bid. None save the keeper of the jail did, and for doing so he was assaulted by Lamar at the close of the sale.§

* Log of the *Wanderer,* New York Tribune, January 14, 1859.

† The American Slave Trade. John R. Spears, pp. 201-202. New York Tribune, December 28, 1858; January 3, 4, 8, 1859.

‡ Covington Times, December 23; Montgomery Advertiser, December 25; Savannah Republican, December 30; Montgomery Confederation, December 30, quoted by the New York Tribune, December 31, 1858, and January 4, 6, 1859.

§ New York Tribune, December 20, 25, 1858; January 3, 4, 8, 25; February 14; March 5, 14, 23, 1859; also Spears' The American Slave Trade, pp. 202-205. At a quarterly meeting of the New York Yacht Club resolutions were passed erasing the name of the *Wanderer* from the list of the squadron and W. C. Corrie was expelled from the club. Once in the possession of Lamar the *Wanderer* was refitted and started for Havana, but was almost wrecked and forced to return to port. In October she sailed one night from Savannah without papers, but with full crew, provisions, and ammunition. Lamar pretended she was stolen by the captain. In her went the shipping master, who finally came back in a boat and reported that the captain told him the *Wanderer* was going to Africa for slaves. December twenty-fourth she entered Boston in charge of the mate. He reported that after getting well to sea all hands were summoned and told that instead of going to Matanzas and back, as they had supposed, the yacht was bound for the coast of Africa for

Congress was by that time hotly debating the purchase of Cuba. Buchanan complained in the annual message that the island had become an intolerable nuisance to the United States. Officials under control of the Captain General had insulted the flag of the United States, and inflicted injuries on the persons and property of our citizens, and all attempts to get redress had been baffled and defeated. Claims dating back to 1844, and arising from duties unjustly exacted from American vessels by the custom houses at Cuban ports, were still unsatisfied; and the island was the only spot in the civilized world where the African slave trade was tolerated. Because of this the United States was bound by treaty with Great Britain to keep a naval force on the coast of Africa for the sole purpose of seizing slavers bound for Cuban ports. The serious difficulties which recently occurred with Great Britain over the right of search would never have happened if Cuba had not afforded a market for slaves. The truth was, Buchanan said, that Cuba in its colonial state was a constant source of injury and annoyance to the American people.

As was well known, several attempts had been made to acquire Cuba by honorable negotiation. He would not, if he could, get it in any other way unless the law of self-preservation made a departure from it necessary. The old offer to buy Cuba he therefore proposed to renew; but asked that before doing so he be entrusted with a goodly sum of money to be paid to Spain the moment the treaty was signed and without waiting for its ratification by the Senate.

How much would be needed was not stated by the President; but early in January Senator Slidell introduced a bill to appropriate thirty millions of dollars "to facilitate" the acquisition of Cuba,* and the Committee on Foreign

slaves, and that anybody who refused to obey would be shot. In time, falling in with a French vessel, Captain Martin boarded her to buy provisions. While he was gone the mate took possession of the yacht and made for Boston. Lamar at once demanded her delivery to him, but Judge Sprague of the United States District Court condemned her as forfeit for having engaged in the slave trade.

* January 10, 1859. Congressional Globe, 35th Congress, 2d Session, Part I, p. 247.

Relations reported his bill with a recommendation that it be passed. In this report the views of Presidents and Secretaries of State on the acquisition of Cuba from the days of Jefferson to the time of Marcy were gone over, and the statement made that they showed that annexation of the island had been the long fixed policy of the country. Expansion was the law of our national existence. We could not withstand it. Cuba must come to us in time. Spain could not hold the island much longer. She must either part with it to some foreign power, an act to which we never could consent, give it independence, which would be but nominal and under the protection of some strong nation, or sell it to the United States, which clearly was its manifest destiny. Therefore, the committee recommended purchase and the passage of the bill.

Objection was made in the course of debate that the purchase would create a great national debt, that the bill did not limit the amount to be paid, that to put so large a sum at the absolute disposal of the President was without precedent and dangerous, that Spain would never think of selling Cuba for any sum; that it was an attempt to bring into the Union another slave State at a time when the majority of the people were pledged to the great principle, no more slave States, no more slave Territories; and that the population was alien in race, language, religion, and habits and would forever exclude American immigration. Those who defended the measure pointed out the geographical situation of Cuba, its commercial importance, its naval importance in times of war, the inability of Spain to hold it much longer, cited the instances of money advanced to Jefferson at the time of the Louisiana purchase, and to Polk during the war with Mexico, insisted that expansion was the law of our growth, and that we must have the island.

Argument was futile. Nothing said by anyone on either side changed the opinion of anyone on the other. When, therefore, the short session drew to a close and no vote had been taken the friends of the bill determined to force the issue, and on the twenty-fifth of February announced that the Senate should not adjourn till a vote had been taken.

Debate ran on accordingly till nine at night, when the Republicans gave notice that they did not propose to debate the bill any further that night and did not intend that a vote should be taken. At last, at one o'clock on the morning of the twenty-sixth, the Senate adjourned, and later that day Slidell withdrew his bill, but said he would introduce it anew at the next session of Congress.*

Two other policies of the President suffered defeat. One related to Mexico and the other to Central America. Mexico, Buchanan complained in his annual message, had been in a state of revolution almost since its separation from Spain. One military leader after another had usurped the government; one constitution after another had been set at naught almost as soon as proclaimed, till that fine country, blessed with a fertile soil and benign climate, had been reduced to hopeless anarchy and imbecility. Claims amounting to ten millions of dollars were not only unsatisfied, but unnoticed; our citizens were murdered, plundered, and imprisoned, and no attempt made by the government to punish the authors of these outrages or prevent recurrence, and our treaty had become almost a dead letter.

This state of affairs, the President said, had reached a crisis in May, when a tax was laid on all capital, between certain limits, whether held by natives or foreigners. Against this Forsyth, the American minister, protested, holding it to be a forced loan, and when one American citizen, acting on the advice of the minister, refused to pay his property was seized by armed men and he was banished from Mexico. Because of this outrage Forsyth closed the legation and left the country. Nor was this all. Bands of hostile Indians roamed over Sonora and Chihuahua and our adjoining territories, committing depredations, hindering the settlement of Arizona, and threatening to break up the Overland Mail communication between the East and California. The only remedy for these grievances was to take possession of the northern parts of Chihuahua and Sonora, assume a protectorate over them, and establish military posts

* Congressional Globe, 35th Congress, 2d Session, Part II, p. 1385.

and hold the country till Mexico could maintain law and order. This he earnestly recommended Congress to do, a recommendation which went unheeded. So also did his request for authority to use force to protect the Nicaragua, Panama, and Tehuantepec transit routes.

Adjournment of Congress by no means suspended the irrepressible conflict. A long series of incidents kept it ever present in the popular mind. One morning early in April a party of men seized a negro named Daniel Webster in the market place in Harrisburg and hurried him to Philadelphia. He was taken as Daniel Dangerfield, who ran away from Virginia six or seven years before. News of the capture was telegraphed to certain anti-slavery people in Philadelphia, who secured counsel, and when he was brought before United States Commissioner, George Earle was present to defend him and Benjamin H. Brewster to care for the interests of the claimant. A great crowd stood before the building. The hearing continued till late at night, and was then adjourned till Monday morning. Excitement meantime ran high, and on Monday the crowd in front of the Commissioner's office on Seventh near Chestnut Street was greater than ever. Men, women, black, white, anti-slavery, pro-slavery, says a witness, were all there insisting so vigorously on their right to be present at the hearing that the Commissioner adjourned to the United States jury room on the corner of Fifth and Chestnut Streets. The second hearing continued all day and till nine at night. On the third day the testimony of men from Harrisburg convinced the Commissioner that the negro was Daniel Webster and not Daniel Dangerfield, and he was discharged. Officers of the court put him in a cab; but the negroes took out the horse, attached a rope, and drew him about the streets in triumph.* Many who were present were convinced that had he been delivered to the claimant a rescue would surely have been effected.

Excitement in Philadelphia had not gone down when the trial of the Oberlin-Wellington rescuers came on at Cleve-

* Philadelphia Press, April 4, 5, 6, 7, 1859. New York Tribune, April 5, 6, 7, 1859.

land. In September, 1858, a slave-hunter from Kentucky named Anderson Jennings visited Oberlin, Ohio, in pursuit of a fugitive, and saw a negro called John, the property of a neighbor from whom he escaped two years before. Jennings promptly wrote to his friend, received a power of attorney to act, swore out a warrant, and with a Deputy Sheriff returned to Oberlin. Afraid to make the arrest in the town, a farmer in the outskirts was hired to send for John to come and dig potatoes. When the negro arrived he was seized and hurried to Wellington, a town nine miles away and a station on the Columbus railroad, and confined in a tavern to await the train. News of the kidnapping spread rapidly. A crowd of men rushed from Oberlin to Wellington and, joined by some from that town, surrounded the tavern, took out the negro, put him in a wagon, and sent him, it was believed, to Canada. Because of this thirty-seven citizens of Oberlin and Wellington were indicted by the Grand Jury of the United States District Court for the Northern District of Ohio.

All were men of some standing in the community; some were students and one a professor in Oberlin College. Sympathy for them was intense in the Western Reserve, was shared by the citizens of Ohio, and, indeed, of most of the free States, and their trials, which came on early in April, were watched with deep interest. Samuel Bushnell was the first to be placed in the dock, and after a trial spread over ten days was found guilty. The court then ruled that the same jury should try each case. But the defense demanded a new jury for each, and when the court refused to grant it declared it would neither call witnesses nor appear before the old jury. The prisoners were then remanded to the custody of the Marshal, and when twenty refused to renew their recognizances they were taken to jail. There they were visited by scores of friends, and on Sunday Professor Peck, standing just inside the jail door, preached to a crowd that filled the yard and the street beyond and occupied the roof of every available shed.*

* Cleveland Herald, April 16, 18, 1859; New York Tribune, April 19, 1859.

On the following day Charles Langston was placed on trial. The judge then decided that if the allegation against him was the same as that against Bushnell, with the mere substitution of one name for another, it would disqualify the jurors. It was the same, and the judge ordered the jury to vacate the box and a new one was empaneled. While the trial dragged along the deputy sheriff of Lorain County came within the bar and arrested two of the kidnappers. But the marshal declared they were held as witnesses, denied the validity of the arrest, refused to surrender them and locked them up in the Court House. Fearing a seizure by force he gathered a *posse* composed of good fighters, firemen, and dismissed members of the police force. The sheriff thinking the *posse* was to aid the kidnappers to escape also summoned a *posse,* surrounded the Court House and stationed an additional force nearby. Friends of the rescuers applied to the Supreme Court of Ohio for a writ of *habeas corpus,* claiming that the Fugitive Slave law was unconstitutional. The judge would not decide this question, but refused the writ because he had no reason to believe that justice would not be done by the United States Court.* The trials were then resumed. *Nolle* was entered in the cases of two prisoners because their names were misspelled in the indictments. Four men from Wellington withdrew their plea of not guilty and were fined twenty dollars each and imprisoned for one day.† Bushnell was sentenced to jail for sixty days and fined six hundred dollars. ‡ Langston was fined one hundred dollars and imprisoned for twenty days; § and the Marshal allowed the sheriff to arrest the kidnappers.¶

Feeling which had been growing more and more intense now found expression at a great mass meeting in Cleveland over which Giddings presided and to which Governor Chase spoke. Special trains, it was said, brought six thousand

* New York Tribune, April 29, May 2, 1859.

† Ibid., May 7, 8, 1859.

‡ Ibid., May 12, 1859.

§ Ibid., May 11, 1859.

¶ Ibid., May 12, 1859. The whole story is told in detail in the History of the Oberlin-Wellington Rescue. Compiled by Jacob R. Shipherd, 1859.

people to the meeting from the country round about. Before the meeting broke up resolutions were adopted declaring the Oberlin convictions disgraceful, demanding the abolition of life terms of judges of the Supreme Court, denouncing the Dred Scott decision, and declaring the Fugitive Slave law unconstitutional and void. One of them embodied the spirit and some of the language of the Kentucky Resolution of 1798, as a reminder to the South that resistance to the Fugitive Slave law was justified by its own favorite doctrine.*

A compromise was finally arranged. The Lorain County authorities dismissed the suits against the kidnappers, the United States authorities entered a *nolle prosequi* in the rescue cases yet untried, and the release of the rescuers was celebrated by a salute of a hundred guns and a great popular reception.†

A few months before this time the legislature of Wisconsin passed resolutions in which some of the language of the Kentucky resolutions of 1798 found a place. In March, 1854, a fugitive slave named Joshua Grover was forcibly rescued at Milwaukee, and Sherman M. Booth, editor of the Wisconsin *Free Democrat,* was held to trial before the United States District Court on the charge of aiding in the rescue. Ere the trial began Booth obtained a writ of *habeas corpus* from one of the judges of the Supreme Court of Wisconsin and was discharged on the ground that the Fugitive Slave law was unconstitutional, a decision which was later affirmed by the Supreme Court of the State.‡ Nevertheless, Booth was indicted, tried, and found guilty by the United States District Court in January, 1855, and was again released on a writ of *habeas corpus* by the Supreme Court of Wisconsin. Chief Justice Taney thereupon issued a writ of error requiring the State Court to return its proceedings for review at the December term, 1855, a command with which the court refused to comply. So the matter

* New York Tribune, May 30, 1859.

† Cleveland Herald, July 6, 7, 1859.

‡ Wisconsin Reports, Vol. 3, pp. 1-135, Ames State Documents on Federal Relations, No. 6, p. 63.

stood when, in March, 1857, the Supreme Court of the United States assumed jurisdiction, procured certified copies of the proceedings, and at the December term, 1858, reversed the decision of the Supreme Court of Wisconsin.*

The people of Wisconsin meantime had not been indifferent spectators. When Booth was convicted by the District Court indignation meetings were held, the Fugitive Slave law denounced, and a personal liberty law demanded. In 1857 such a law was enacted, and now the legislature in a set of resolutions expressed its opinion on the decision of the Supreme Court of the United States. Assumption by the Court of the power to make itself the final arbiter of the liberty of the citizens, and to override and nullify judgments of the state courts thereon, was held to be in direct conflict with that provision of the Constitution which secures to the people the benefits of the writ of *habeas corpus.* The action of the court in assuming jurisdiction in this case was an arbitrary act, it was said, unauthorized by the Constitution, a virtual suspension of the writ of *habeas corpus,* and a prostration of the right of the people at the feet of unlimited power, and as it was done without process was without authority, void, and of no force. The government formed by the Constitution is not the exclusive and final judge of the extent of its powers. As in all other cases of compact between parties having no common judge each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress. Therefore "a positive defiance," by the sovereigns which formed the general government, of all unauthorized acts done or attempted under color of the Constitution, is the rightful remedy.†

From the legislature of New York came a protest against the failure of Southern juries to convict the owners, captains, and crews of the slavers *Echo* and *Wanderer* and against the general wish in the South that the slave trade be reopened.

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* Ames: State Documents on Federal Relations, No. 60. Albeman vs. Booth, United States Supreme Court reports, 21 Howard, p. 506.

† General Laws of Wisconsin, 1859, pp. 247-248; Proceedings of the State Historical Society of Wisconsin, 1895, pp. 117-144; Tyler's Life of R. B. Taney, pp. 392-400; Thwaite's Story of Wisconsin, pp. 247-254.

The legislature and citizens of the State, the resolution declared, looked with surprise, mortification, and detestation on the virtual reopening of the slave trade, and solemnly protested against this invasion of their laws, their feelings, and the dictates of Christianity. In the name of religion and humanity they called on all citizens to unite in bringing to punishment those engaged in the unlawful and wicked slave trade.*

The Southern Commercial Convention, which met this year at Vicksburg in May, was of the opinion that all laws, State and federal, forbidding the African slave trade ought to be repealed.

The platform framed by the People's party convention at Harrisburg declared that all suggestions or propositions for reopening the African slave trade were shocking to the moral sentiments of the enlightened portion of mankind. Any action by the government or people conniving at or legalizing this horrid and inhuman traffic would subject the country to the reproach and execration of mankind, and the inaction of the government in bringing slave traders to justice, by sending them for trial to places where acquittal was certain, was conniving at the practical reopening of the slave trade.†

Ere midsummer two Democratic leaders took issue on the question. A follower of Douglas in Iowa wrote to ask if his friends might present his name to the Charleston convention. Douglas replied that if the Democratic party held to the principles embodied in the compromise measures of 1850, ratified in the election of 1852, reaffirmed in the Kansas-Nebraska bill in 1854, incorporated in the Cincinnati platform in 1856, expounded by Buchanan in his letter of acceptance and approved by the people, his name might be presented. But, should the Democratic party repudiate these principles and insert in the party creed such new issues as reopening the African slave trade, a Congressional slave code for the Territories, or the doctrine that the Constitution either established or forbade slavery in the Territories,

* Laws of New York, 1859, p. 1210.
† New York Tribune, June 11, 1859.

beyond the power of the people to control it, as other property, in that event he could not accept a nomination if tendered.* Jefferson Davis, when he spoke before the State Democratic Convention of Mississippi, attacked the non-intervention doctrine of Douglas and denied that Congress had authority to make the slave trade piracy. He regarded the trade as sanctioned by the immemorial usage of mankind, as a commerce recognized by the Constitution, and would have it left to be regulated by the States. To reopen the African trade he well knew would be impossible. Even if it were opened he would maintain the laws of Mississippi designed to prevent importation of Africans into the State, not because he thought as did those who prated of the inhumanity and sinfulness of the trade. He saw nothing sinful in transferring a slave from a barbarian to a Christian master. The welfare of Mississippi, not that of the African, led him to think that the trade ought not to be reopened in Mississippi. Cuba he would gladly see annexed, and for many reasons, not the least of which was its great importance to a Southern Confederacy should one be formed. This seemed to him by no means unlikely. Our countrymen, said he, have two paths before them. One leads by tortuous construction through discord and civil strife to the destruction of the best hopes of republican government. The other through peace and prosperity mounts to an eminence which looks down on a continent of equal, sovereign, confederated States. We are now near the point at which a selection is to be made. For myself, I say, if a President be elected on the platform of Mr. Seward's Rochester speech, let the Union be dissolved. The success of such a candidate would indeed produce an irrepressible conflict. I love and venerate the Union of these States; but I love liberty and Mississippi more.†

* Douglas to J. B. Dorr, June 22, 1859, New York Tribune, June 24, 1859.

† Speech at Jacksonville, July 6, New York Tribune, August 31, 1859.

CHAPTER XCV.

ON THE PLAINS.

When Congress, in February, 1853, appropriated one hundred and fifty thousand dollars for the determination of the best route for a railroad from the Mississippi to the Pacific the duty of deciding what lines should be surveyed that the best might be chosen devolved on Jefferson Davis, Secretary of War. He selected five, and before spring ended three parties were in the field. One in charge of Isaac I. Stevens, just appointed the first governor of the new territory of Washington, was to run a line to the Pacific north of the forty-seventh parallel. That a railroad could be operated in a country where the snow lay deep during five months of the year did not seem possible to the Secretary nor to the great mass of his countrymen. But it seemed wise to make the survey in fairness to the northwestern States. Stevens went to St. Louis, arranged there for the transportation of supplies up the Missouri River to Fort Union, and assembled his party at Camp Pierce, as he called it, not far from St. Paul. Information of every sort regarding the country passed over was to be carefully gathered.

To the camp, therefore, came a geologist, a naturalist, a botanist, a meteorologist, a topographer, an artist, and an astronomer, besides engineers, mounted men, teamsters, and laborers. From St. Paul the route was up the Mississippi and across the plains to Fort Union on the Missouri, a stockaded post of the American Fur Company, and the center of a great trade with the Assiniboines, Gros Vents, and Crows. A march of three weeks brought the party to Fort Benton, four hundred miles farther up the Missouri, and

there it was joined by the advance party of the other division which had pushed across the mountains from the Pacific. This division was in charge of Captain George B. McClellan, who, starting at the mouth of the Columbia River, was to move eastward, examine the passes of the mountains, and meet Governor Stevens going westward. Ahead of McClellan went Lieutenant Saxton to establish a supply depot in the Bitter Root Valley. Setting out from Vancouver, he crossed the Cascade Mountains, went up the Columbia from the Dalles to Fort Walla Walla, crossed the Snake River, crossed Lake Pend d'Oreille, and in the Bitter Root Valley, among the Flatheads, at the little village of St. Mary's, established his supply depot.

Exploration of the route between the thirty-eighth and thirty-ninth parallels was entrusted to Captain Gunnison. His instructions were to survey the passes of the Rocky Mountains near the headwaters of the Rio Grande; to go by way of the Huerfano River, and the Cochetopa Pass into the Grand and Green River region, and then on by the Vegas de Santa Clara and the Nicolet River to Lake Utah. Starting from its organization camp a few miles from Westport, the party in two divisions moved along the Santa Fé road and the Smoky Fork of the Kansas River, united at Walnut Creek, went far up the Arkansas, followed the Huerfano Valley, crossed the Cochetopa Pass, as directed, to the alkali valley of the Uncompahgre, and late in October Gunnison with seven of his men was killed by the Indians near Sevier Lake. He had gone with Stansbury to Salt Lake City in 1849, and had written an interesting book on the Mormons. Hence it was said and believed that the Mormons had sent the Indians to kill him. Lieutenant Beckwith then led the party to Salt Lake City, where it spent the winter.

The third party to take the field in 1853 was in charge of Lieutenant Whipple. He was to start at the Mississippi and go westward along the thirty-fifth parallel. But it seemed idle to waste time exploring the lines east of Fort Smith in Arkansas, so it was from that Fort he set out in July. His party went up the Canadian River, crossed what was put down on the maps as "The Great American Desert,"

and reached Albuquerque on the Rio Grande. Thence the route was westward over a region across which, says the report, "no white man is supposed to have passed," to the Colorado, which was crossed at the Needles just below the point where the Colorado becomes the south-eastern boundary of California, and then over California to Los Angeles, which was reached in March, 1854.

In that year Lieutenant Beckwith took up the survey which had ended at Salt Lake City in 1853, went around the south end of Great Salt Lake and by way of the Humboldt to the valley of the Sacramento. This was old ground and no one doubted that a railroad could be built along the great overland route to California.

A fifth survey was conducted along the thirty-second parallel by several parties. Brevet Captain John Pope ran the line from Preston on the Red River to El Paso on the Rio Grande; Lieutenant Parke from the Rio Grande to the Pemas villages on the Gila; and Lieutenant-Colonel Emory from the Pemas villages to Fort Yuma on the Colorado River.

From information thus gathered it was made clear that the plains and mountains could be crossed not by one, but by many railroads. But the duty of Secretary Davis was to select the most practicable and economical route, and this to his mind was along the thirty-second parallel. That the northern and middle sections of the country would consent to the building of a road which would serve the southern section and no other was not possible. Douglas saw this clearly, and soon after Davis made his report the Senator from Illinois introduced a bill providing for the building of three great roads; one from Wisconsin to Puget Sound, a second from Missouri or Iowa to San Francisco, and a third from Texas to the Pacific. Each was to be built by private capital and each in time was to become the property of the United States and of the States through which they passed. To this the Senate agreed and passed the bill; but in the House it met the bitter opposition of Benton, who, defeated for re-election to the Senate after thirty years of

service in that body, was, in 1852, elected a member of the House. Led by him, the opponents of the Douglas bill amended it to provide for a central road from San Francisco with branches to Lake Superior, Missouri or Iowa, and Memphis; but the House rejected it, and during two years Congress gave little attention to the selection of a route for a railroad to the Pacific.

That highways of some sort should be built across the plains at government expense was apparent and Congress gave its support to national roads. The selection of a route for one of three from New Mexico to California was entrusted to Lieutenant Beale, and is of more than passing interest because he was at the same time to test the fitness of the camel as a beast of burden on the great American desert.

The scheme was an old one, but it was not till the spring of 1855 that Congress appropriated thirty thousand dollars to be expended by the Secretary of War in the purchase and importation of camels and dromedaries to be used for military purposes.* The Secretary acted promptly and late in May Major Henry C. Wayne was on his way to the Levant in the store ship *Supply* to procure the animals. A stop was made at Florence to investigate the treatment of camels in Tuscany, and at Tunis to buy one to study the proper handling of them at sea. Hearing of the purchase and the desire of the government to domesticate the camel in the United States the Bey presented two; but they were so diseased and mangy that they were put on shore at Constantinople, whence a journey was made into the Crimea in search of Bactrian camels. Four were presented by the Turkish Government, were to be of the best breed, were to come from Asia Minor, and were to be delivered in a week. But when three weeks passed and no camels came Major Wayne sailed without them to Alexandria. There he was permitted to buy but four dromedaries, for the Viceroy, in view of the coming war, would not allow any more to leave the country. Finally as an expression of good will he presented six. They also

* Act of March 3, 1855, appropriating money for support of the army, Section 4.

were to be of the finest breed and selected from the Viceroy's own herd; but when they came they were common street camels picked up in Alexandria. Angry at the fraud, Major Wayne appealed to the Viceroy, and after a week's delay received not swift dromedaries of the desert, but an inferior breed fit only to carry goods. At last at Smyrna enough were secured to fill the ship and, in May, 1856, the *Supply* with thirty-three camels and dromedaries entered Matagorda Bay and landed them at Indianola, Texas.*

The *Supply* was then sent back for more and the animals taken to a camp a few miles from San Antonio, where some died. The rest were taken to Camp Verde, some sixty miles away, and for a time carried grain from San Antonio to the camp. Captain David D. Porter in the *Supply,* meantime, procured forty-four camels, and in February, 1857, landed them at Indianola. Some were used by a contractor building a wagon road, and carried a load of seven hundred pounds each, he reported, with less trouble from sore feet and lame backs than mules or horses, and browsed on bushes the mules would not touch.†

Just at this time Lieutenant Beale was ordered to survey a route for a wagon road from Fort Defiance in New Mexico to the Colorado River, and to test the fitness of camels for military purposes he was to take some with him. Selecting twenty-two camels and three dromedaries from those at Camp Verde, he started in June for El Paso, went on to Albuquerque, and then to Zuñi, crossed the divide, passed down the western slope to the Little Colorado, followed Whipple's trail to the Great Colorado, which the camels swam, went on to the Mojave River and by the Mormon road to Los Angeles, which he reached late in November. The camels, he reported, were most useful, and he looked forward to the time when they would be in general use in all parts of the country. Jefferson Davis, Secretary of War, was of like mind. He, too, believed that their usefulness on the plains in military operations against roving bands

* Senate Documents, 34th Congress, 3d Session, Vol. 8, No. 62.
† Philadelphia Press, September 11, 1857.

of Indians was beyond question, and urged Congress to authorize the importation of a thousand camels.*

More important to the dwellers on the plains was the establishment of the great overland mail. As early as the summer of 1850 mail was carried once a month in coaches from Independence, Missouri, to Santa Fé. From description of the opening of this line on the first of July, 1850,† it appears that the coaches were "got up in elegant style," were beautifully painted and made watertight that they might be used as boats in crossing streams; carried nine passengers inside and two on the box with the driver, were drawn by six mules each, and were guarded by eight men fully armed. Each had at his side, fastened on the coach, a Colt's revolving rifle; in a holster a Colt's long revolver; and in his belt a small Colt's revolver and a hunting knife, and could, in case of attack, discharge one hundred and thirty-six shots without stopping to reload. If all went well the coaches, running day and night, made the trip of eight hundred and fifty miles in two weeks. But all might

* The action of the United States led Mr. J. A. Machadd to bring ninety-two camels to Galveston. Twelve of these were taken to Algiers, a town opposite New Orleans, to demonstrate to planters their fitness for agricultural purposes. Each was equal as a burden carrier to four mules, lived longer and was less care. New Orleans Delta, December 30, 1859. Mr. Woolsey of Alabama put ten on his plantation and after trial reported that one would draw, with ease, a two-horse prairie turning plow, carry a thousand pounds, and that his ten throve in a field in which a mule would starve. Savannah Republican, quoted by the New York Tribune, June 20, 1859. Mrs. Watson, who owned twelve, gave exhibitions of the strength of her camels at Galveston, loading them with five bales each and sending them about the streets of the city. Galveston News, December 30, 1858. The City Council thereupon passed an ordinance forbidding anybody to ride or drive or bring within the corporate limits of the city any camel or camels under penalty of fifty dollars fine for each offense and each camel. New York Tribune, January 11, 1859. Some notices of the camels may be found in the Indianola Bulletin, April 12, 1856; National Intelligencer, November 18, 24, 28, 1856; Philadelphia Press, August 25, September 7, 8, 1857; Philadelphia Ledger, September 1, 1857; Philadelphia Press, December 1, 1857; Washington Union, January 9, 1858. Secretary of War Floyd, in his report 1860, urged "the purchase of a full supply" of camels for the use of the army.

† Missouri Commonwealth, July, 1850, quoted in The Old Santa Fé Trail, by Henry Inman, p. 146.

not go well, for the dangers were many and often serious. The streams might be high, the Indians might be troublesome, hailstorms might stampede the mules, coaches were often overset, and the travelers at times were forced to alight and help hold down the coach lest a blizzard should sweep it away.

Another line of coaches, poorly equipped and without stations, carried the mail from St. Joseph to Salt Lake City; but it was not till 1857 that the Postmaster General extended the service across the mountains. Then, at the earnest request of dwellers on the plains, bids were asked for the carriage of the mail from Neosho, in Missouri, to Albuquerque, in New Mexico; from Independence through Albuquerque to Stockton in California; from Tucson to San Diego; from Santa Fé to El Paso; from Albuquerque to Wardville, California; and from Salt Lake City through Provo, Payson, Fillmore City, Cedar City, Santa Clara, San Bernardino, and Los Angeles, to San Pedro in California, a distance of nine hundred and seventeen miles; and the contract was let for the Great Southern Overland route to California.

By an act passed in the closing hours of the administration of President Pierce the Postmaster General was authorized to advertise for bids for the carriage of the mail at high speed from the Mississippi to San Francisco. The advertisement of the Postmaster General called for bids for a semi-weekly, weekly, or fortnightly mail carried in four-horse coaches which should run through in not more than twenty-five days. Scarce a firm then engaged in freighting on the plains failed to submit bids and routes; but the contract was awarded to the Overland Mail Company, of which John Butterfield was president.* The termini on the Mississippi were St. Louis and Memphis. From St. Louis the mail was to be carried over the rails of the Pacific Railroad to Tipton, whence a stage coach took it to Fort Smith, to which a coach brought the mail from Memphis. The routes thence led on to Preston in Texas, to El Paso, to Tucson, then

* Executive Documents, 35th Congress, 1st Session, Vol. 2, Pt. 3.

in New Mexico, to Fort Yuma, near the mouth of the Gila River, to Los Angeles, and so to San Francisco. This extreme southern route, the Postmaster General explained, had been chosen because the climate was temperate, the road not likely to be blocked by snow, and because it was well suited to migration.

The contract was closed on the sixteenth of September, 1857, and the contracting company was given one year in which to make ready. So diligently did it work that on September fifteenth, 1858, almost a year to a day from the signing of the contract, mail coaches, each drawn by four fine mules, left San Francisco and Memphis and the first bag of mail was placed on board the train at St. Louis.*

The coaches, painted a bright green or red, were built by the Abbott-Downing Company, of Concord, New Hampshire. Inside the body, which was slung on strong leather bands instead of springs, were seats for nine passengers, and one or two more were often carried on the box. The through fare was two hundred dollars. At the back of the body was the leather boot for the mail and the carpet bags of the passengers, if they had any.

From St. Louis the distance, two thousand seven hundred and ninety-five miles, was covered by the first east bound stage in twenty-four days, twenty hours and thirty-five minutes, or, allowing for difference of longitude, twenty-four days, eighteen hours and twenty-six minutes.† All along the route the arrival of the coach was an occasion of public rejoicing. At Fort Smith there were a parade of troops, a salute of cannon, and a supper at which appeared a cake in the exact shape of a mail pouch. When cut open it was found to contain a humorous letter to Mr. Butterfield, who was present. ‡ At St. Louis, when the first east bound mail arrived, Mr. Butterfield was met at the railroad station, depot it was then called, by a great crowd of citizens with a

* Philadelphia Press, September 17, 1858. Executive Document, 35th Congress, 1st Session, Vol. 2, Pt. 2, No. 109.

† Philadelphia Press, October 19, 1858. Report of the Mail Agent, Senate Documents, 35th Congress, 2d Session, Vol. 4, pp. 739-741.

‡ Washington Union, October 23, 1858.

band, and greeted with an address, to which he replied.* The time from San Francisco was twenty-three days four hours.† The next day, October tenth, the first west bound coach rolled into San Francisco, and on the eleventh its arrival was duly celebrated with guns, a procession, resolutions, and a vote of thanks to the Postmaster General.‡ "I congratulate you upon the result," Buchanan telegraphed to Butterfield when he heard of the arrival of the mail at St. Louis. "It is a glorious triumph for civilization and the Union. Settlement will soon follow the course of the road, and the East and the West will be bound together by a chain of living Americans which can never be broken." §

Through California and Arkansas the stages rolled swiftly; but on the plains the line was as yet poorly equipped, stations were in some places sixty-five miles apart, though the contract required they should not be more than ten. When this was remedied, the contractor asserted, the run from the Mississippi to the Pacific would be made in twenty days. On the plains the corrals were of logs or stone and were occupied, some by a dozen and others by four or five men.¶ At others, often called home stations, there were two or three families.

This Great Southern Mail route was semi-weekly; but the Postmaster General had established a weekly mail route from St. Joseph to Placerville, California, by way of Salt Lake City, over which stages ran in twenty-nine days. When the first through stage reached Placerville on the nineteenth of July there was an illumination and great public rejoicing. The first mail from Placerville arrived at St. Joseph on September fourth.

Over the route from Independence to Salt Lake the contract to carry the mails was held by Hiram C. Kimball, a Mormon, and late chief justice of the State of Deseret; but in June, 1857, he was informed that the government would

* St. Louis Republican, October 10, 1858.

† Butterfield to Buchanan, October 9, 1858. Washington Union, October 10, 1858.

‡ Alta, California, October 11, 1858.

§ Washington Union, October 10, 1858.

¶ St. Louis Democrat, October 25, 1858.

not carry out the contract because of the unsettled state of affairs at Salt Lake City. The Mormons, in short, were on the verge of insurrection.

From the little band that crossed the plains and founded Salt Lake City a decade before, the Mormons grew till they numbered more than twenty thousand, and had founded a score of towns and settlements in Utah and a few in California. Every year a stream of emigrants had poured in from Europe. Between 1848 and 1855 more than seventeen thousand had come and built up Lehi City, Provo, Springville, Payson, Fillmore City, Parowan, Cedar City. Some were settled in the Carson Valley and some at San Bernardino, in California.

Until the summer of 1856 the Church had purchased wagons and teams to enable the newcomers to cross the plains. But the crops of 1855 had failed, expenses had to be cut down, and Young determined the emigrants of 1856 should make the journey on foot. He could not, he wrote the Elder in Liverpool, afford to buy wagons and teams as in times past, but would provide handcarts "and let the emigration foot it." A circular was accordingly issued in Liverpool announcing this fact, naming Iowa City as the place of outfitting, and bidding the emigrants not to take trunks, but pack their belongings in bags. Several shiploads, amounting in all to thirteen hundred persons, left Liverpool, reached Iowa City in safety, and were started across the plains in five companies. Three arrived at Salt Lake without any serious adventures;* but two began the march too late in the summer and met with awful experiences on the way.

When the five hundred who made the fourth company arrived at Iowa City late in June no handcarts were to be

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* A traveller, coming eastward, met two of the early parties, and thus describes them: "We met two trains, one of thirty and the other of fifty carts, averaging about six to the cart. The carts were generally drawn by one man and three women each, though some carts were drawn by women alone. * * * Most of them were Danes, with a sprinkling of Welsh, Swedes, and English, and were generally of the lower classes of their countries. * * * The road was lined for a mile behind the train with the lame, halt, sick, and needy."—Linn, The Story of the Mormons, p. 422.

had, and they were forced to wait in the open fields for three weeks before they could set out for Zion. The march across the plains was made in bands of one hundred, to each of which were assigned twenty handcarts and five wagons, drawn by oxen and laden with tents and provisions. A journey of four weeks brought them to Florence, the winter quarters of the first great Mormon migration, on August eleventh, and there a stop of a week was made. That they could pass through the mountains before snowfall was so unlikely that the Elders met to consider the situation. One was strongly in favor of giving up the attempt and remaining at Florence. He was overruled and a decision reached to push on, a decision which the ignorant emigrants confirmed.

A large sack of flour was then put in each handcart, the ox wagons loaded as heavily as possible, the daily ration fixed at a pound of flour for each adult, with bacon, sugar, coffee, and rice occasionally, and the march resumed. And now disaster began to overtake them. Prairie sand cut the axles till they broke. At Wood River the buffaloes stampeded the cattle and thirty were lost. What remained were unable to drag the loaded wagons and as much as possible of the load was transferred to the handcarts. When Fort Laramie was reached, in September, the provisions the emigrants were promised should be there, were not. Such as were in the carts it was estimated would be consumed before the company was within three hundred and fifty miles of Salt Lake City; so it was voted to cut the daily ration and walk faster. Near Independence Rock a messenger brought word that supplies would be found at South Pass; but the food on hand would not last till the Pass was reached. The ration was therefore cut to twelve ounces for adults who worked and pushed the carts, and to nine ounces for all others. Cold weather and scanty clothing, for no one was allowed to take more than seventeen pounds of clothing and bedding, hard work, and insufficient food soon broke down the old and infirm. Dysentery, for which no remedy had been provided, became epidemic and death followed death with increasing frequency till at last every camp ground

was marked by one or more graves. To the suffering caused by the cold and little food was soon added that brought by snow; but as the emigrants struggled through their first snowstorm their spirits were raised by the arrival of Joseph A. Young, a son of Brigham.

When camped at Wood River they were overtaken by the Apostle F. D. Richards and a party of elders returning to Salt Lake City from work abroad. One of the party was Joseph A. Young, who reported the condition of the emigrants to his father, who bade him gather supplies and hurry to their relief. He did so and, driving on ahead of his men, reached the sufferers with the good news that in a day or two food in plenty would arrive. Camp was made under some trees and fires lighted; but when morning came the snow was a foot deep and five lay dead in the tents. All the flour by this time had been consumed, and a small quantity of rice, sugar, dried apples, and a few pounds of hardtack were all the food in camp. Two oxen were killed and messengers were sent to urge the relief party to hurry forward. Overtaken by the snow and ignorant of the desperate straits of the handcart company the relief train had camped to await fair weather. It now pushed forward with the supplies and at sunset on the third day after the messengers set out reached the starving immigrants.

For many help came too late. Each day the death roll grew longer, and the number of stragglers, unable to push a cart or do more than walk, became larger and larger. Many had to be carried in the wagons. No team could push its handcart up a hill. Two or three teams were therefore put to a cart and progress became slower and slower. The weather grew colder, and soon a second snowstorm added to the suffering. On the night of the storm thirteen were frozen to death. They were buried in a rude grave "four abreast and three deep," but so hastily was this done that travelers passing the spot the next summer saw the bones of the dead scattered over the plains. The wolves had dug up the bodies. At the South Pass more help arrived, and on the ninth of November what was left of the party that had

set out from Florence entered Salt Lake City. Sixty-seven had perished on the way.*

The last handcart party that left Florence met the snow some miles east of the Devil's Gate, a great gorge through which runs the Sweetwater River. At the Gate were some old log cabins in which the travelers took refuge. Leaving in the cabins twenty men and such contents of the wagons as could be spared; putting as many as possible of the immigrants in the wagons and abandoning the handcarts, the little band pushed on to Salt Lake City. The route, says one of the survivors, was marked by graves and men who were then boys may to-day be seen in Salt Lake City hobbling about, all their toes having been frozen off in that fearful march.†

Utah was then in rebellion against the United States. Withdrawal of the federal Judges and Secretary in 1851 was followed in August of the next year by the appointment of other men ‡ to the posts vacated. They, too, had a short shrift. At the end of six months the Secretary went to California, the Chief Justice remained but a year, and his assistant one morning was found dead in bed. New Judges and a new Secretary were appointed by Pierce; but if the half that is said about them be true they were most unfit for their duties. That Young and the Mormons were determined to rule Utah was plain to anybody who followed the course of events. By one act the legislature provided that "no laws or parts of laws shall be read, argued, cited, or adopted in any courts during any trial except those enacted by the Governor and legislative Assembly of this Territory, and those passed by the Congress of the United States, when applicable"; which meant when Young would allow them to be enforced. By another act probate courts were set up and given "power to exercise original jurisdiction, both civil and criminal, as well in chancery as at common law." This extraordinary extension of the jurisdiction of probate

* Linn, The Story of the Mormons, pp. 418-425.

† Stenhouse, The Rocky Mountain Saints, p. 337.

‡ Lazarus H. Reed, Chief Justice; Leonidas Shaver, Associate Justice; B. G. Ferris, Secretary.

courts made them rivals of the federal District Courts and meant one sort of courts for Mormons, another sort for Gentiles. As required by the organic act the President appointed a United States Marshal: but the territorial legislature ignored the act and made provision for a territorial Marshal to be elected by itself.

Trouble was not long in coming. One of the federal Judges, George P. Stiles, issued writs which the federal Marshal was to serve. He was not allowed to do so and was given to understand that none save territorial law ran in Utah. When the matter came before the judge a Mormon lawyer told him if he decided against the territorial Marshal he would be "taken from the bench damned quick." Court was adjourned and an appeal made to Young, who told the judge that if he could not enforce the laws of the United States he would better not hold court. The office of the judge was next broken into, the papers of the District Court seized, and those of the judge burned. Not long after this contest Judge Shaver was found dead, poisoned, the Gentiles said, by the Mormons, and a new man came to fill his place. He, too, made some resistance and announced that he should give no heed to any proceedings of the probate courts which did not belong strictly to probate business; but he was soon forced to submit. In 1856 the territorial Secretary was murdered, by Indians, the Mormons said; by Indians instigated by Mormons, the Gentiles said. In 1857 both Stiles and Drummond left the Territory, the Surveyor General and his men fled under threats of death and, save two Indian agents, not a federal official remained in Utah.

Young was now absolute dictator and Utah without the jurisdiction of the United States. Unless she was so to remain, the authority of the government must be quickly re-established, and to this task Buchanan set himself soon after the inauguration. Without stopping to remove Young, he appointed Alfred Cummings, of Georgia, Governor, and, with a new Chief Justice, two Associate Justices, a new Secretary, and a Marshal, sent him out to Utah with a body of troops to act as *posse comitatus* if needed.

The troops, fifteen hundred in number, were gathered at

Fort Leavenworth,* and Colonel Albert Sidney Johnston put in command,† and late in July were on the march. As yet no word of the expedition had reached the Mormons: but it so happened that A. O. Smoot, carrying the Salt Lake City mail eastward, when a hundred miles west of Independence fell in with the supply trains, and at Kansas City was fully informed of what was under way. Hurrying back to Fort Laramie, he obtained a light wagon and fast horses and with a companion set off for Salt Lake City, covered the five hundred and thirteen miles in a little over five days, and on the evening of July twenty-third broke the news to Young. July twenty-fourth was the eleventh anniversary of the arrival of the pioneers. On that day the annual celebration was held at Big Cottonwood Lake, and to the host there gathered Young announced the coming invasion. The Nauvoo Legion, which comprised all males from eighteen to forty-five years, fit for service, was notified to be ready for a winter campaign; scouting parties were sent out, and thenceforth the Mormons were fully informed of every movement of the federal troops.

As the little army marched westward from Fort Leavenworth Captain Van Vliet was sent on before to hold an interview with Brigham Young. Leaving his escort at Ham's Fork, he entered Salt Lake City alone, made known his presence, and was visited by Young and the Elders. Young began by saying that the Mormons had been persecuted, robbed, and murdered in Missouri and in Illinois both by mobs and by the States; declared it was his belief that the United States were about to do the same thing; that, therefore, he and his people were determined to resist this new persecution at the outset, and that the troops then on the march to Utah should not be allowed to enter the valley. The next day when Van Vliet returned the call he was told that no forage, no provisions for the troops would be sold to the United States. When, in conversations with prominent men, the Captain reminded them that although

* House Executive Documents, 35th Congress, 1st Session, Vol. 10, Document No. 71, pp. 4-7.

† Ibid., p. 18.

they might stand off the little army that was coming they could not withstand the great force which would surely come the next year, the invariable answer was, "We are aware of it; but when the troops arrive they will find Utah a desert. Every house will be burned down, every tree felled, and every field laid waste." On Sunday, in the Tabernacle, when Elder Taylor declared that the troops should not enter the Territory, and asked, if an overwhelming force were sent, how many would burn their houses, destroy their orchards, and lay waste their fields, four thousand hands were raised in assent.*

The day after Van Vliet took his departure Young, by proclamation, forbade armed forces of any description to enter Utah under any pretense, established martial law, ordered that no person should pass into or through the territory without a permit, and bade his troops hold themselves in readiness to march at a moment's notice to repel invasion.†

By the end of September the advance of the federal troops under Colonel Alexander had crossed Green River and camped on Ham's Fork, a tributary of Black's Fork, which flows into Green River, and there Colonel Alexander received from the Mormon General Wells a copy of the proclamation and a letter from Young demanding that he leave Utah by the route he had entered. ‡ Should the lateness of the season make this impracticable he might stay where he was till spring if arms and ammunition were deposited with the Quartermaster General of Utah. Alexander replied that the letter and proclamation should be submitted to his commanding officer and refused to withdraw; whereupon the Mormons opened the war. Orders were issued to annoy the federal army in every way possible, stampede their animals, burn their trains, set fire to the grass in their front and on their flanks, blockade the road by felling trees, destroy the

* Report of Captain Stewart Van Vliet. House Executive Documents, 35th Congress, 1st Session, Vol. 10, Document No. 71, p. 25.

† September 15, 1857. House Executive Documents, 35th Congress, 1st Session, Vol. 10, No. 71, p. 34.

‡ Ibid., p. 34.

river fords, and by night surprises keep them from sleeping.* A band of men at once proceeded to carry out these orders.

Early in October Major Lot Smith with forty-four men destroyed a supply train, and with part of his force set off for Sandy Fork. On the way he fell in with a train of twenty-six wagons, which he allowed to go on till night, when he burned it and another which had come up meantime.† At the Big Sandy another train and some settlers' wagons were given to the flames.

Without information as to the whereabouts or intentions of Colonel Johnston, doubting his authority to act without orders, ignorant of the object of the government in sending troops to Utah, Alexander called for advice from his officers, and then decided to push onward.‡ But, after making some thirty-five miles in nine days and losing eight hundred oxen, cut out and driven off by the Mormons, he gave up the attempt, retraced his steps, and on the second of November was in camp on Black's Fork, two miles above Fort Bridger, which the Mormons had burned. There, on the third of the month, Johnston joined him. He, too, had a hard march from Laramie, but not so hard as that of Lieutenant Colonel Cooke with the Second Dragoons who were escorting Governor Cummings. The party left Fort Leavenworth on the seventeenth of September. At the South Platte snow and sleet were encountered, and when Fort Laramie was reached so many animals had perished that some of the men were without mounts and ambulances were used to transport grain. Just beyond Devil's Gate a dreadful snowstorm overtook them and shelter was sought behind a wall of rock at the Three Crossings. "Only a part of the regiment," the Colonel stated in his report, "could huddle behind the rock in

* House Executive Documents, 35th Congress, 1st Session, Vol. 10, No. 71, pp. 56-57.

† The supplies thus destroyed consisted of 167,900 pounds of flour; 92,700 of bacon; 2,720 of ham; 8,915 of coffee; 765 of tea; 1,400 of sugar; 7,781 of hard bread; 1,330 of soap; 800 of candles; 68,832 rations of desiccated vegetables; 2,970 gallons of vinegar; 84 of molasses; 134 bushels of dried peaches. House Executive Documents, 35th Congress, 1st Session, Vol. 10, No. 71, p. 63.

‡ Ibid., p. 39.

the deep snow, while, the long night through, the storm continued, and in fearful eddies from above, before, behind, drove the falling and drifting snow." In hope of finding grass for the famished animals they were driven across the stream to the base of a granite ridge that faced the storm. But so bitter was the cold that the mules would not eat and huddled in a mass crying piteously. In the course of the next three days so many mules perished that five wagons were abandoned. One night, when tied to the wagons, the mules gnawed and destroyed four wagon tongues and a number of wagon covers, ate their ropes and, getting loose, devoured the sage brush collected for fuel. When at last camp was made three miles below Fort Bridger but ten of the one hundred and forty-four horses which left Fort Leavenworth remained.

To this camp was given the name Ecklesville, and there in dugouts the Governor and the new officers passed the winter. Most of the troops under Colonel Johnston were at Camp Scott on Black's Fork, not far from Fort Bridger. Some were busy rebuilding Fort Bridger.

Four days after his arrival in camp Governor Cummings issued a proclamation. Many treasonable acts of violence, he said, had been committed by lawless men. Such were in rebellion and should be proceeded against before Judge Eckles. Freedom of conscience was not to be restrained; but obedience to law must be enforced, and if resisted in this he should depend for aid on the *posse comitatus* of the people and use the troops only in case conditions compelled him to do so.*

While Johnston and Cooke were marching through storm and snow Young had not been idle. In a long letter to Alexander he denied that the Mormons had ever withstood the wish of the President, denied that they had ever insulted any man coming under his authority, but said that when the President so far disgraced his high position as to use troops to crush the liberties of the people and force them to receive officials so craven and degraded as to need an army to pro-

* Proclamation of November 21, 1857. Washington Union, January 17, 1858.

tect them, the Mormons would be lost to all sense of self-respect, honor, and integrity if they bowed to such high-handed tyranny. Young then appealed to the Colonel's humanity and patriotism, urged him to withdraw, and told him he was not bound to obey the order of a despot President who violated the sacred constitutional rights of American citizens.* Alexander replied that he did not intend to interfere with the religion of the Mormons; desired to avoid violence and bloodshed, and would, unless driven to them by actual resistance; that it was for Young to say whether there should or should not be resistance; and refused to withdraw.† Young then told him that if he persisted in the attempt to locate an army in Utah in order to protect corrupt officials, blacklegs, and black-hearted scoundrels he would have to meet a kind of warfare he knew nothing about, and as Governor of the Territory bade him leave it. "Do you want to know what is going to be done with the enemies now on our border?" said Young, after reading the correspondence in the Tabernacle. "As soon as they start to come into our settlements let sleep depart from their eyes and slumber from their eyelids until they sleep in death." John Taylor wrote Captain Marcy that if the troops came the people would burn every house, tree, shrub, rail, every patch of grass and stack of straw and hay and flee to the mountains. All industries were accordingly stopped, the Elders in Europe were called home, and the Mormons in Southern California and Carson Valley were ordered to come to Salt Lake City, and when it was known that winter had forced the federal army to stop near Bridger, Echo Cañon was strongly fortified and the Mormon Legion camped at its mouth.

In the East the deepest interest was felt in the coming struggle. Companies of volunteers to fight the Mormons were organized in several counties in Missouri. The fourth brigade of Illinois militia tendered its services to Buchanan, and the legislature of Kentucky authorized the Governor to

* Young to Alexander, October 14, 1857. House Executive Documents, 35th Congress, 1st Session, Vol. 10, No. 71.

† Alexander to Young, October 18, 1857. Ibid.

raise a regiment of volunteers for service in Utah and put it at the disposal of the President.*

Buchanan's view of the situation was set forth in the annual message. Young, he said, by proclamation had declared his determination to maintain his power by force and had already done acts of hostility against the United States, though assured by Captain Van Vliet of the peaceful intentions of the government. Young knew that his despotic power depended on the exclusion from the Territory of all settlers who would not implicitly obey his will. For several years, therefore, he had been gathering and fabricating arms and munitions and drilling the Mormon forces. As Superintendent of Indian Affairs he had an opportunity to tamper with the tribes and excite them against the United States, and there was reason to believe he had done so. He had laid in provisions sufficient for three years which, he told Captain Van Vliet, he would cache and then flee to the mountains and defy all the power of the Government. This might be vain boasting: but no wise government would treat lightly efforts inspired by such frenzied fanaticism as existed among the Mormons. This was the first rebellion in any of our Territories, and "we should put it down in such a manner that it shall be the last." †

When these words were read in Congress early in December the President was proceeding in a manner not likely to discourage rebellion anywhere. He had already accepted the offer of Colonel Thomas L. Kane, the friend and ally of the Mormons, to act as mediator. Early in January, 1858, under an assumed name, Kane sailed from New York for San Francisco, made his way to Southern California, reached Salt Lake City in February, arranged a plan of action with Young, and went on to Camp Scott.

The ride from Salt Lake City was made in twenty-six hours in rain and snow, and when Kane reached the camp he was too exhausted to dismount and could barely say he came from Salt Lake City. He was lifted from his horse

* Washington Union, February 24, 26, 1858.

† Richardson's Messages and Papers of the Presidents, Vol. 5, pp. 455-456.

and put to bed in a tent, where he slept till the next morning.* He then asked to see Governor Cummings, was taken to headquarters, and remained closeted with the Governor during most of the day. No little excitement was caused in camp by the coming of the mysterious stranger. Some thought he was a spy, and when it became known that he was Colonel Kane and bore letters from the President rumor had it that a compromise would be made with the Mormons. This was well founded, and on April seventh the Governor, Kane, and two men from the Quartermaster's department set off for Salt Lake City,† were met by a Mormon escort, were taken through Echo Cañon in the night, and at the end of five days entered the Mormon City. There the Governor was well received, and on Sunday was introduced to the people in the Tabernacle and made a speech. The scene was a stormy one. From his own account it appears that the Governor began by telling the Mormons that he came among them to vindicate the national sovereignty; that it was his duty to secure the supremacy of the Constitution and the laws; and that in taking the oath of office he had sworn to exact from them unconditional submission to the law. He had no intention of establishing the army near any of their settlements, nor would he use the military *posse,* save when all other means failed. They were entitled to, and should have, trial by jury of their peers.

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* Special correspondent of the New York Tribune writing from Fort Bridger, March 24, and April 10, 1858. New York Tribune, May 24, 1858.

† In Tullidge's History of Salt Lake City, p. 203, it is stated that when Kane approached the camp a sentry fired on him, whereupon Kane broke his weapon over the sentry's head. Nothing of the kind occurred; he was, as stated, unable to dismount. The origin of the fable is probably an incident which happened on March 17th. Kane on that day was escorted by some dragoons a few miles from camp, visited the Mormon lines, and about eight at night, when the sentinels aroused the camp with the cry that they had been fired on four times, the guards at once set off to find the offender and came upon Colonel Kane. He had been told by the captain of his escort to fire his pistol four times on his return as a signal to pickets to let him pass. In the darkness and gloom he passed the pickets, came upon the sentinels and discharged his pistol. One of the sentinels fired in return. New York Tribune, May 24, 1858.

So far all went quietly; but unhappily when the meeting was about to end he rose and said he should be glad to hear from any one present who wished to speak on topics of interest. Then followed a succession of speeches which roused the people to a high state of excitement. One by one the speakers passed in review the killing of Joseph Smith, the services rendered by the Mormon Legion in the war with Mexico, the ingratitude of the government for those services, and the suffering of the people on their march across the plains.* Another complained that, as a final insult, the President had sent a Missourian to govern them. At this the Governor cried out, "I am a Georgian, sir, a Georgian," whereupon the people called him a liar, and said they would believe he was their friend when he sent the soldiers back. "You are nothing but an office seeker," said someone; to which the Governor answered that he had not sought the appointment.†

A report now went the rounds of the press that the Saints were leaving Utah and going to Sonora or some place in Mexico, that Governor Cummings had been driven from Salt Lake City, that the Mormons were in arms, and the troops of Johnston starving.‡ That the Mormons were leaving their settlement was true. About the middle of March Young issued a circular letter to the people in Salt Lake City, Brownsville, Ogden, Box-Elder, Salmon River, all the northern settlements, to leave their homes, go south, and await further orders. They obeyed, and when the Governor entered Salt Lake City he found the roads full of wagons laden with household goods and provisions, and saw flocks and herds driven by shoeless and hatless women and children. Wherever he went the people told him the torch would be applied to every house the moment the troops attempted to cross the mountains. From twenty-five to thirty-five thousand people, it was estimated, were moving south. Many of

* Letter of Cummings to Cass, May 2, 1858. New York Tribune, June 14, 1856.

† Letter from Camp Scott, June 4, 1858. New York Herald. Quoted by Linn. The Story of the Mormons, pp. 508-509.

‡ Leavenworth Times, June 2; Missouri Republican, June 4, 5; New York Tribune, June 4, 5, 1858.

them were gathered at Provo City under Young, and thither the Governor went to assure them they would not be molested and to urge them to return home. Finding his efforts fruitless, he went back to Camp Scott and returned to Salt Lake City with the territorial officials. Not a soul was then to be found in the City save a few men left to guard property or, if necessary, to give it to the flames.

At Washington, meanwhile, Buchanan had prepared a proclamation setting forth that Utah had been settled by emigrants from the States and from foreign countries; that it had for several years shown a spirit of insubordination to the Constitution and the laws; that certain federal officers had been driven from the Territory; that others had been prevented from going there by threats of assassination; that judges had been violently stopped in the discharge of their duties; that records of the courts had been seized, destroyed, or concealed, and that officials lately appointed had not been able to enter Salt Lake City, nor go anywhere in the Territory unprotected by the army. This, fellow citizens of Utah, said the President, is levying war against the United States and involves you in the guilt of treason. Persistence in it will bring you to condign punishment, ruin, and shame. If you think the government will fail to bring you to submission you are mistaken. The land you have settled on belongs to the United States, was purchased and paid for out of their treasury: the right and title to it is in them, not in you. It is absurd to suppose that you will be suffered to erect in their very midst a government of your own independent of their authority and hostile to them and their interests.*

Notwithstanding all this, Buchanan offered a full and free pardon to all who submitted to the authority of the United States. The proclamation was now entrusted to two peace commissioners † with instructions to circulate it widely in Utah. On the second of June they reached the almost deserted city of Salt Lake. Young was then at Provo: but

* Proclamation of April 6, 1858. Richardson's Messages and Papers of the Presidents, Vol. 5, pp. 493-495.

† L. W. Powell and Benjamin McCullough.

on the tenth he returned, held conference with the commissioners, and soon agreed that no resistance should be made to the advance of the troops, that the army might pass through but not stop in Salt Lake City, and that its camp should be far away. On the twenty-sixth of June the army accordingly marched through the city, crossed the Jordan, and in time established a post in Cedar Valley on Utah Lake. The Mormon war was over, and on the fifth of July, Young having said the word, the people began their march homeward to Salt Lake City and the northern settlements.

The deep interest with which the people and the government watched the progress of the Mormon war accounts in some measure for the indifference with which the press and the people treated the reports of a dreadful massacre of emigrants by Mormons and Indians. Had a battle been fought and one hundred and twenty of Johnston's men been slain the whole country would have rung with the news; but the cold-blooded slaughter of one hundred and twenty men, women, and children was not noticed even by the Commissioner of Indian Affairs.

A party of emigrants numbering perhaps one hundred and forty souls, on their way from Arkansas to California with thirty horses and mules and six hundred head of cattle, camped on the river Jordan early in September, 1857. They expected, as was usual with emigrants, to lay in provisions and purchase fresh horses and mules at Salt Lake City, and were greatly astonished to hear that the Mormons were virtually at war with the United States, that nothing would be sold to them, and that they must go on at once. On they went, accordingly, through Provo, Springville, Payson, Salt Creek, Fillmore, Beaver, Parowan, at each of which food was refused, till they came to Cedar Creek, where a little corn was purchased and ground at the mill of John D. Lee. Thence the emigrants pushed on slowly thirty-five miles to Mountain Meadows, a narrow valley surrounded by mountains, and camped at a spring near the lower end where a gap led out to the desert. There, on Monday the seventh of September, they were suddenly attacked by Indians. The wagons were quickly corraled in a circle, the wheels chained,

earth filled in under the bodies, and a pit dug large enough to hold the company, but not till seven were killed and sixteen wounded. During three days the emigrants fought bravely and held their ground.

With the Indians was a force of Mormon militia commanded by John M. Higbee, who, on the morning of the eleventh of September, sent a flag of truce. The bearer was to announce that the Mormons had come to aid the emigrants and conduct them to Cedar City, and John D. Lee, with two wagons, soon entered the camp. He persuaded them to put their arms, the wounded and the young children in the wagons and start at once for Cedar City. First went a Mormon on horseback, and then the women and older children, then the men. Scarcely had they started when a body of Mormons was met and cheered as deliverers. By way of protection, as it seemed, an armed Mormon now took his place by the side of each of the men, and the march was resumed toward a clump of cedars where the Indians were hidden. The moment the women and children had reached this spot a signal was given, and each Mormon shot down the defenseless man by whose side he walked. The Indians and Mormons killed the women and older children and Lee and two companions murdered the little ones in the wagons. Of all that company but seventeen were spared, and these were children from two months to seven years of age, for it was the intention of Lee that none should escape who were old enough to tell the tale.

The massacre over, the dead were stripped and piled in heaps and a thin covering of earth scraped from the hard ground was thrown over them; but rain soon washed the earth away and the bones of the murdered were scattered over the prairie by the wolves. During the night of that dreadful day the murderers were joined by Judge Lewis, Isaac C. Haight, and Colonel Dame, the participants sworn to secrecy, and an oath taken that any one who told the story of the massacre should be put to death.

Division of the plunder followed. The money went to the Mormons; the cattle, horses, and mules were shared with the Indians; the clothing, especially of the women, was taken

by the Indians, and the children were scattered among Mormon families residing at Harmony, Painter Creek, and Cedar City.

Despite the oaths of Lee and his companions the story of the massacre did come out. On September tenth a merchant from Payson came to the Indian farm on Spanish Fork where Indian Agent Hurt resided, and reported that he had heard that the California emigrants on the southern route were in trouble with the Indians and had been forced to take refuge behind their wagons. On the eleventh a Utah came saying a band of Piedes had told him all the emigrants had been killed by the Mormons. On the fourteenth a second Utah confirmed the story of the first; and now the massacre was so much talked of by the employees of the farm that Hurt sent an Indian boy to find out the facts. He reported that he met a band of Piedes, was told that Lee came to their village ten or twelve sleeps before and induced them to attack the emigrants; that they had been in the fight, gave him a fairly correct statement of what happened, and said that all the plunder was in Mormon hands, and that fifteen or sixteen children had been spared. Three days later the agent fled from Utah and from his place of safety reported all these facts to the Superintendent of Indian Affairs,* who took no action. A little later a Mormon, writing from Salt Lake City, remarked that the Indians on the southern route to California had been very troublesome to emigrants, that in September they had killed a party of one hundred and taken the spoil, and that the squaws were dressed in silks and costly shawls. The whites, he said, were generally the first aggressors, and in this case the emigrants had poisoned a spring frequented by the Indians.† No evidence tending to prove that the emigrants carried with them poison to put in springs, or that any spring was poisoned by them, has ever been produced. But it was expedient to blame the

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* Hurt to Forney, December 4, 1857. Senate Documents, 36th Congress, 1st Session, Vol. 11, No. 42, p. 203.

† Letter written by a Mormon at Salt Lake City, November 4, 1857. New York Tribune, January 26, 1858.

Indians for the massacre, it was necessary to give a reason for their slaughter of unoffending people, and the story of poisoned animals and poisoned springs was concocted and served its purpose well. Spreading westward, the story reached California, and for some months every steamer that arrived at New York brought newspapers containing some reference to the slaughter. We have news, said one, of the massacre of one hundred emigrants near the Mormon territory of Utah. The emigrants had poisoned meat and springs. The matter is a mystery.* A large amount of evidence, said another, goes to show that the massacre of one hundred and eighteen emigrants in southern Utah was the work of the Mormons.† We have confirmation of the report of the massacre, said another. Little bags containing poison were found in the springs, the waters of which carried sickness and death to the Indians.‡ Spreading eastward, the news in time reached Arkansas, and brought from the father of two of the murdered emigrants a letter to Senator Sebastian, asking government aid to recover the children, fifteen of whom had been taken by Osborne Hyde to the Mormon settlement at San Bernardino in California.§ Sebastian, who was chairman of the Senate Committee on Indian Affairs, sent the letter to the Acting Commissioner. He replied that inquiries would be made,¶ and instructed the Superintendent of Indian Affairs in Utah to search, and bid all the agents search, for the children, and if possible recover them.|| And now** the Chairman of the House Committee on Indian Affairs wrote to the Secretary of War and enclosed a newspaper clipping, describing the proceedings of a public meeting in Carroll County, Arkansas, of the friends and relatives of the dead. The resolutions then adopted set forth that fifteen of the

* Washington Union, November 18, 1857, quoting California newspapers to October 20, 1857.

† Washington Union, December 1, 1857, citing California newspapers.

‡ Los Angeles Star, December 8, 1857, cited by Washington Union, January 16, 1858.

§ William C. Mitchell to William K. Sebastian, December 31, 1857. Senate Documents, 36th Congress, 1st Session, Vol. 11, No. 42, p. 42.

¶ February 20, 1858, Ibid.

|| March 4, 1858, Ibid.

** March 6, 1858, Ibid., p. 43.

children were in the hands of the Indians and the Mormons; earnestly invoked the aid of the government to recover them, and requested the Arkansas delegation to bring the matter before the proper authority. Secretary Floyd answered that the Department knew nothing of the massacre, but would send the clipping to Colonel Johnston as soon as possible.

Instructions sent out in March to Forney, Superintendent of Indian Affairs, reached him late in June, and in a few weeks he recovered sixteen of the children. The seventeenth was not found till April, 1859. Congress appropriated ten thousand dollars to pay the cost of caring for them and after passing the winter in the West five boys and ten girls were delivered at Carroll, in Arkansas, to their friends and relatives in September, 1859, just two years and four days after the Mountain Meadows massacre. Two who told clear and connected stories of what they saw on that day were taken to Washington as witnesses, but were promptly sent back to Arkansas, for it was quite apparent that nobody would be punished, and twenty years passed away before the day of reckoning overtook John D. Lee.

The re-establishment of the semblance of federal authority in Utah put an end to a movement to set up a new territory to be called Nevada. In the early days of the rush of gold hunters to California a party of eighty Mormons left Salt Lake Valley to visit the placers. Their route led up the Carson River Valley, which so pleased some of them that they broke away from the party and built a cabin on what later became the site of Genoa, Nevada. A journey of two of them over the Carson pass to the American River in search of supplies led to the discovery that thousands of gold hunters were coming over the plains and would probably pass up the Carson Valley, and seeing in this a fine opportunity for trade they sold as many of their oxen as could be spared and bought provisions, which were disposed of to the emigrants at great profit. The next year men came from California to settle, and some twenty log trading stations were scattered along the valley. Ere another year rolled around so many inhabitants were in the valley that a rude government was set up, rules or laws limiting the amount of

land a settler might hold and regulating the sale of land claims were adopted, a justice of the peace and a sheriff were chosen and a court composed of twelve men was organized.* As the stream of gold seekers still continued the population of the valley grew in numbers, and in 1853 petitioned California to extend her jurisdiction over the valley till Congress should provide government. This aroused the Utah legislature, and in 1854 Carson County was organized and made a judicial district of the Territory.

The settlers, chiefly Gentiles and apostate Mormons, were far from pleased, attempted to separate from Utah, proposed a constitution or tentative form of government for the Carson Valley, and two years later again petitioned California to annex the valley. This time the legislature of California went so far as to petition Congress to change her boundary and add to her the country as far east as the one hundred and eighteenth meridian.† Congress did not heed the prayer; but the Mormon leaders took alarm, ordered sixty families into the valley, and settled them in Carson, Washoe, Eagle, and Pleasant valleys and founded Genoa, Dayton, and Franktown.‡ All county offices now passed into the hands of the Mormons and demands were made that the Gentiles join the Church and give it one-tenth of their property or leave the Territory. The Gentiles refused and made ready to defend their families. During several weeks both parties camped in sight of each other, and the Gentiles called on California for help. Hearing that aid was coming to the Gentiles the Mormons agreed on equal rights for all, but the Utah legislature in revenge repealed the law organizing Carson County, recalled the judge and all record books, papers, blanks, and seals were carried to Salt Lake City.§ The Mormon War soon followed, and the Mormon settlers were ordered to quit the valley and come to Salt Lake City. Left without courts the valley became the home of outlaws

* H. H. Bancroft. History of Nevada, Colorado and Wyoming, pp. 68-70.

† Senate Miscellaneous Documents, 34th Congress, 1st Session, No. 48.

‡ H. H. Bancroft. Nevada, Colorado and Wyoming, pp. 78-79.

§ Act of January 14, 1857.

and criminals from the Pacific Coast,* and the Gentiles once more petitioned Congress to organize a new territory.

Meetings were held at Genoa and Honey Lake Valley, a petition to Congress was drawn up, and James M. Crane appointed to take it to Washington and be ready to serve as delegate if the new territory was formed. The Governor of California in his annual message appealed to the legislature to help on the movement; the legislature bade the delegation vote for a bill if presented; and an address to Buchanan by a committee of ten on behalf of the Carson valley residents was referred to Congress.

The petition set forth that during six or seven years the petitioners had dwelt in the valley without territorial, state, or federal protection against outrages by the Indians or marauding by outlaws, runaways, and escaped convicts; that debts could not be collected by law; that evildoers could not be arrested; that crime could not be punished save under the code of Judge Lynch. The memorial addressed to Buchanan was drafted by the committee of ten sent to Sacramento to memorialize the California legislature and declared that emigrants from Oregon, California, New Mexico, had settled between the Goose Creek Mountains and California in such numbers that the population amounted to ten thousand souls. Nearly all the emigrants bound to the Pacific coast crossed the territory. Some took up residence, many others spent the winter and went on westward. Refreshing rains during most of the year made the valleys such good grazing grounds that people in California drove their cattle thither every autumn, and coming overland from the far east also wintered in the valley. Settlers had built mills, laid out farms, and founded cities. But the refusal of the Mormons to obey the mandates of the United States, the withdrawal of protection from all not of their sect, their instigation of the Indians to stop all who had not Mormon permits made none but Mormons safe. Having no tribunals for the redress of wrongs the settlers had been forced to organize unlawfully for their own protection against desperate men

* Letter from a Resident of Utah. Washington Union, May 26, 1858.

who traveled in gangs and plundered the honest, industrious, and actual settlers. They asked, therefore, that the country between California, Oregon, the Goose Creek Mountains, and the Colorado River be organized as a territory.

The House Committee approved and reported a bill defining the boundaries of the Territory of Nevada and giving it a local government.* But ere the House was ready to act peace was restored in Utah, a new governor, judges, and officials were performing their duties, the troops were at Camp Floyd, and the matter was suffered to rest.

And now public interest in the west shifted from western Utah to western Kansas. Gold had been discovered near Pike's Peak. For a decade past emigrants, soldiers, explorers on their way up the Platte had reported finds of gold dust and nuggets; but no earnest search was made till, in the spring of 1858, a party of whites and Cherokee Indians set off to prospect near Pike's Peak. News of their purpose spread through western Missouri and they were quickly followed by the Ray County Company and the Lawrence Company, and the whole region from the upper waters of the Platte to the Arkansas was prospected. Many found little or no gold and went home disgruntled. A few stayed and in true frontier fashion laid out towns. Thus, on the site of Colorado Springs, some of the Lawrence Company attempted to found a town they called El Paso. But when no settlers came and no gold was discovered they moved to the Platte, a few miles from the present city of Denver, put up some cabins, and called the place Montana. When this came to naught the town builders disbanded; but a few who were not to be discouraged went to the site of Denver and founded St. Charles. Other gold hunters from western Missouri came to Cherry Creek and on the west bank started Aurania, and were joined by many from Montana. Others who came in the early winter took possession of St. Charles on the east side of Cherry Creek and called the place Denver.

* Executive Documents, 35th Congress, 1st Session, No. 102, Vol. 12; House Reports of Committees, 35th Congress, 1st Session, No. 375, Vol. 3; Senate Miscellaneous Documents, 35th Congress, 1st Session, No. 181, Vol. 3; House Journal, pp. 789, 1221.

Meantime reports of conflicting kinds reached the Missouri towns. By September many of the adventurers came home for provisions, or implements, or to escape the winter on the plains, or because they had no tools with which to build cabins, or because they had found no gold. Each reported after his kind. One declared that gold had been found by whoever dug for it, that ten dollars a day was easily made, that the best diggings were on the Platte, and that a party had washed out a thousand dollars in a week.* A newspaper reported that two thousand dollars in dust had arrived from Pike's Peak.† Another announced that miners made five dollars a day digging with their hands, and from fifteen to twenty when they had pick and shovel. Tales of this sort caused much excitement. Little else was talked about in some towns and scores of restless adventurers who would rather dig gold than earn it set off for Pike's Peak. Companies were formed in Kansas City, Leavenworth, Bluff City, and Omaha. A train of twenty wagons left Leavenworth; a hundred men went from Kansas City, and it was announced that the stage line would be extended from Fort Riley to Pike's Peak, and that a firm was buying mules to run a stage line direct from the Missouri to the mines.‡ Governor Denver assured the Secretary of the Interior that he had no doubt that gold had been found on the headwaters of the Arkansas, the Kansas, and the South Platte, and that the richest diggings were on Cherry Creek.

And now came the other side of the story. Men who had little or no gold declared that if any existed it was not worth digging. A company from Ray County, Missouri, went out in May and returned in September, and after prospecting near Pike's Peak and along Cherry Creek reported that the stories of rich finds were pure fabrications.§ An "old citizen of Harrison," Missouri, said he was one of a party of

* New York Tribune, September 16, 27, 1858; Washington Union, September 16, 1858.

† Wyandotte Gazette, September 18, 1858.

‡ Philadelphia Press, September 16, 20, 24, 1858; New York Tribune, September 27, 1858.

§ Lexington (Missouri) Reporter, quoted by St. Louis Republican, October 16, 1858.

twenty-seven from Ray, Bates, and Newton Counties, twenty-three of whom came back with him poorer than they went. They had prospected for ten days along Cherry Creek and had talked with others who had explored it from its head to its mouth; but no one heard of nor saw any rich diggings. Nobody made more than one or two dollars a day. The story of rich diggings was, he said, a wilful, premeditated fabrication. If the stories were true would his party have come home to work for three or five dollars a day when they could make ten at the mines? *

These statements were in turn denied by some of the Lawrence Company who came back to winter at Leavenworth and return in the spring, and asserted that gold did exist in well paying quantity all along the South Platte.† Nothing, however, could cool the ardor of the gold hunters. A company with two wagons, three yoke of oxen, and stores for eight months left Florence late in September. Another from Crescent City passed through Florence, and others left Omaha and Council Bluffs.‡

From this little gathering of gold hunters came two political movements in the autumn of 1858. Living six hundred miles from the Missouri, they were in a region over which no county organization had as yet been spread, and were destitute of all the machinery for the lawful enforcement of law and order. Their camps, moreover, were partly in Kansas and partly in Nebraska. They needed local government and accordingly at a mass meeting at Aurania steps were taken to organize the County of Arapahoe and a representative sent to seek recognition from the Kansas legislature. There were those, however, who longed for office and by these two delegates were chosen to carry to Washington a memorial praying for the formation of a new territory from parts of Kansas, Utah, New Mexico, and Nebraska. One went, and early in January Schuyler Colfax introduced

* Western Democrat, Harrison, Missouri, September 25, quoted by New York Tribune, October 8, 1858.

† Philadelphia Press, October 23, 1858; New York Tribune, October 23, 1858; Leavenworth Journal, October 15, 1858.

‡ Florence Courier, quoted by New York Tribune, October 9, 1858.

a bill to provide for the organization of the Territory of Colona,* from Colon, the Spanish rendering of Columbus. Nobody, save the delegate, liked the name. Colfax had suggested Cordillera; Blair of Missouri proposed San Luis, and others Aureola, the Golden State. The *Tribune* was strongly in favor of an Indian name, as Uintah or Ogalala.† A hearing was granted the delegate by the House Committee on Territories, and in due time a bill was framed for a territory to be called Tohosa, which, it was explained, was the name of an Arapahoe chief and meant flat land on the top of the mountains.‡ But when the bill was reported the name had been changed to Jefferson, whose boundaries were to be the one hundred and first meridian, the Rocky Mountains, Mexico, and the parallel of forty-three degrees.§ The House, by a great majority, laid it on the table.¶

By that time thousands were making ready to hurry to the gold fields. Newspapers gave information as to the routes and distances. An old forty-niner who went to the Platte in the autumn secured a journal kept by one of the Cherokee party and on his return published it as the "Pike's Peak Guide and Journal," and another issued a "Guide to Pike's Peak." Both had a wide circulation and the press kept the public posted concerning all that went on in the New Eldorado. Aurania by February consisted, it was said, of three hundred dwellings and expected to have a thousand by May. Several hotels were going up and the place already boasted of a dozen dry-goods and provision stores, a blacksmith, a gunsmith, and a wagon maker. Gold passed current at twenty dollars an ounce. Letters from Omaha in February announced that the rush to Pike's Peak had already started. Several parties had gone. One of four men bought an old handcart and went off in true Mormon style. In those days a mining outfit, such as prudent men would provide, consisting of three yoke of oxen, a wagon, implements, and

* New York Tribune, January 5, 1859.
† Ibid., January 10, 1859.
‡ Ibid., January 26, 1859.
§ Ibid., January 31, 1859.
¶ Ibid., February 17, 1859.

provisions for a year, cost six hundred dollars. It was common, therefore, for four men to combine and purchase one.

A party with press and type, it was announced, would go out as soon as possible to start a paper to be called the *Rocky Mountain News,* and expected to issue the first number early in April.* Reports from Leavenworth late in March stated that the country around the town was covered with companies in camp, and that a thousand men had arrived in three days.† Letters from St. Louis stated that the boats and wharves were crowded with freight, oxen, mules, wagons, and men bound for Pike's Peak.‡ In April the first Overland Express left for Denver with passengers and mail. Before the middle of the month nineteen hundred and sixty wagons drawn by two or three span of oxen or mules and attended by nine thousand men had crossed the Avenue bridge at Des Moines, bound for the gold diggings. Omaha, so wrote a citizen of that town, is all bustle and excitement. Everybody is busy fitting out emigrants. Hundreds are encamped about the town waiting for the grass to grow; but several thousand have gone and scores go daily. They come from Michigan, Wisconsin, Minnesota, Iowa. Every stream and body of timber from Elmwood to the Big Blue, wrote one who passed over the trail, is enlivened with tents and wagons of emigrants. Hundreds with packs on their backs trudge along on foot. Some have clubbed together and bought a handcart. Scores of others have an ox, a mule, or an Indian pony harnessed to their handcarts. Still others travel in comfort in wagons drawn by two or three yoke of oxen.

And now the tide turned. Hundreds who started before the snow was off the plains, who started short of food, who had no money, reached Denver too early to go to the diggings, where the ground was still frozen. Unable to find employment they were fed and housed by the miners. Others, more provident, carried ample supplies, but finding no chance of digging gold at once and seeing no one who had made a for-

* New York Tribune, March 12, 1859.
† Ibid., March 30, 1859.
‡ Ibid., April 16, 1859.

tune fled the city and started back for the Missouri. As they met the advance of the coming stream of emigrants the tales they told turned back these would-be gold hunters. A stampede followed, and by the first of May thousands who had started were in full retreat, fleeing as if chased by an enemy. During the first week in May nine hundred wagons passed Fort Kearny. There such as were destitute sold their wagons and outfits and hurried homeward on foot. A hundred returned Pike's Peakers who reached St. Joseph told most dismal stories of affairs at the diggings and of suffering on the plains. Twenty thousand men destitute of money and food and perfectly reckless, it was reported, were on their way home threatening to burn Omaha, Leavenworth, and St. Joseph because of the fraud practiced on them by the people of these outfitting towns.* Some merchants at Plattsmouth were so frightened that they closed their shops and fled. Fear was now expressed that those coming back would attack and rob those going out. Indeed, wild stories of such acts were soon afloat. A letter from Pacific City falsely stated that a party of Peakers had captured an outbound train near O'Fallon's Bluffs, killed a man, and hanged the newly appointed postmaster for Aurania.† One of a party which left Moravia, near Atchison, early in May wrote home that during the first hundred miles of his journey the roads were full of outbound handcart men and wagons. But no sooner had he crossed the Big Blue and topped the divide than he beheld the advance of the retreating column. The plains were covered with men, teams, ox trains, handcarts, men with carpet bags flying as if from danger.‡ Another Peaker who went by stage to Denver wrote that on the way he passed six hundred wagons whose owners were determined to go through, and eight hundred wagons returning, of which not one hundred had been near the mines and most of which were turned back at Fort Kearny.§

Some of those who came home now gave vent to their

* St. Louis Democrat, quoted by New York Tribune, May 19, 1859.
† New York Tribune, May 31, 1859.
‡ Ibid.
§ Missouri Democrat, April 20, 1859.

feelings in letters to the press. A man from Lockport, New York, denounced the Kansas gold-mining excitement as a stupendous fraud. It was started, he said, by land speculators, by parties interested in frontier towns, and by merchants with heavy stocks of goods on hand.* Western Kansas, said another, had to be settled, so speculators laid out towns, made up letters purporting to have been written at the diggings, Kansas newspapers published them, and those of St. Joseph, Kansas City, and Independence copied them knowing that these towns would reap a harvest as places for outfitting. Newspapers in the East spread the false reports and a gold craze seized the people.† Twelve men from Utica, when some two hundred miles west of Fort Kearny, met parties returning and heard such tales of misery and distress and petty finds of gold on Cherry Creek that they sold their outfit and separated and each went home as best he could. One declared there were a thousand teams on the plains all coming home.‡

Those who believed in the existence of gold denounced the stampede as utterly causeless and the result of lack of preparation by the early comers to Denver. Winter mining was not attempted. Miners were busy building their cabins and each had no more provisions than would suffice for himself. In Denver and Aurania was no winter stock of food. When the early comers arrived none had money or supplies, many were almost starving, and as mining had not begun they could find no employment. The stories these men told of total absence of gold, and their frantic desire to get away, led others who came with small stocks of food to depart before their supplies were gone, and so the stampede was started. Nobody, it was said, should think of coming without at least supplies for four months.§ Others believed that when the flight homeward began traders at Fort Kearny raised the cry of no gold to induce outward bound Pike's Peakers to abandon their trip and sell their surplus flour at

* New York Tribune, May 27, 1859.
† Nashville Christian Advocate, April 28, 1859.
‡ Utica Herald, May 25, 1859.
§ Leavenworth Times, May 17, 1859.

a dollar and a half a hundredweight that the purchaser might sell it in turn to the government for eight dollars a hundred.*

And now the tide turned again. In May a party from Chicago, headed by one named Jackson, found rich diggings on a branch of Clear Creek, and thousands rushed thither. A few days later another party, led by John H. Gregory, on the north fork of Clear Creek, struck the richest diggings in all Colorado. Russell, who went out with the Cherokee party, discovered a deposit from which six men took seventy-six ounces of gold in one week. When news of the Jackson and Gregory finds reached Denver almost the entire population went off in a body. Not three hundred, it was said, remained in the place.† When the Overland Express from Denver reached Leavenworth with twenty-five hundred dollars in gold and confirmed the report of the richness of the Gregory and Jackson diggings the stream of returning emigrants halted and once more started for Denver.‡

Just at this time three men, two of whom are still remembered, reached Denver, visited the Gregory diggings, and signed a letter which the *Rocky Mountain News* § published. One was Horace Greeley; another was Henry Villard, of the Leavenworth *Times,* and the third A. D. Richardson, of the Boston *Journal.* They had seen nearly all the claims and gave a description of thirteen sluices owned by as many companies, the poorest of which was yielding over five hundred dollars a day. They warned their countrymen, however, against another outbreak of that infatuation which sent thousands out only to turn back. Five thousand were already busy in the gulches, hundreds more were coming daily, and on their rapid journey over the plains Greeley, Villard, and Richardson had passed tens of thousands and heard of as many more going by other routes. To feed this great gathering of miners would be a difficult matter. Every pound of flour must be hauled six hundred miles over

* New York Tribune, May 28, 1859.
† Ibid., June 20, 1859, citing the Leavenworth Times.
‡ Ibid., June 22, 1859.
§ Rocky Mountain News, extra, June 11, 1859.

roads that were mere trails. Part of the way was a desert with little wood, grass, or water, and across this it was madness to attempt to go on foot. All who came should come well supplied with provisions.*

On the arrival of a copy of the *Rocky Mountain News* with this letter at Leavenworth the *Times* printed it as an extra, sold two thousand copies in a few hours, and issued a second edition. The people of the town now regarded the reports as fully confirmed and became intensely excited.

In the midst of the excitement a convention met at Denver to frame a state constitution. Disappointed at the refusal of Congress to organize the Territory of Jefferson, and more than ever convinced of the urgent need of a strong local government, the people of five towns chose delegates who assembled in April and called a constitutional convention which gathered in June;† but adjourned till August, when, at Aurania,‡ a constitution for the State of Jefferson and an address to Congress asking an immediate organization of the Territory of Jefferson were approved and submitted to popular vote. If the constitution were adopted application was to be made for admission into the Union. If it were not adopted then a territorial government was to be considered as the choice of the people and the memorial was to be sent to Congress.§ The constitution was rejected, whereupon a provisional government for the Territory of Jefferson was set up, a governor and legislature elected, and courts established,¶ and the government thus created was maintained until Congress, in February, 1861, organized the Territory of Colorado.

Withdrawal of members from the seceded States cleared the way for territorial organization, and Buchanan, in the last days of his term, approved two other bills organizing the Territories of Nevada and Dakota. When the dwellers

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*New York Tribune, June 27, 1859.

† Ibid., June 30, 1859, citing Leavenworth Times.

‡ From Denver the convention adjourned to Aurania. New York Tribune, August 20, 1859.

§ New York Tribune, August 24, 1859.

¶ House Miscellaneous Documents, 36th Congress, 1st Session, Vol. 4, No. 10.

in the Carson valley petitioned Congress for local government they were seeking protection against the Mormons and lawless adventurers who did as they pleased in what was no man's land. But when, in the spring of 1859, the wonderful Comstock lode was discovered and the miners came swarming over the mountains from California and the news traveling eastward started another mining boom, an urgent reason for territorial government existed and Congress made Nevada out of so much of Utah as lay west of the thirty-ninth meridian.*

Since the organization of Nebraska settlers from Minnesota, Wisconsin, Michigan, and far-away New York had been moving in and putting up their cabins on the Red River, on the Big Sioux, at Pembina, Yankton Agency, on the Vermillion, and at Sioux Falls City, till the white population numbered nearly twenty-six hundred. These were given local government and all Nebraska north of the forty-third parallel was made Dakota territory.

The wagon routes over the plains were now becoming highways of traffic. During 1860 eighteen thousand tons of freight were carried from St. Joseph, Leavenworth, Omaha, Kansas City, Nebraska City, and Atchison, to New Mexico, Pike's Peak, and Utah. One firm of freighters owned fifteen thousand five hundred oxen and sent out that year fifty-one teams of twenty-six prairie schooners each; another thirty-two trains of twenty-six wagons each. Nearly twelve thousand men, eight thousand mules, sixty-eight thousand oxen, and sixty-nine hundred wagons were employed in freighting on the plains.† The wonder of the plains was the Pony Express.

* The boundaries were the 39th degree of longitude west from Washington, from 42° north latitude to the north boundary of New Mexico; west along this boundary to the ridge parting the waters of Carson Valley from those flowing into the Pacific; then northwardly along the ridge to 41° latitude; then due north to 42° latitude; then due east along the 42d parallel to the place of beginning. As part of California was included within these bounds, the organic act provided that it should "not be included within this territory till California shall assent to the same." California did not assent, and the bounds were changed by act of July 14, 1862.

† American Railway Times, January 21, 1861.

In the winter of 1859 while William H. Russell of the great prairie freighting firm of Russell, Major and Waddell, owners of a daily coach line between St. Joseph and Salt Lake City, was in Washington he was urged by Senator Gwin of California to open a pony express mail for the carriage of letters between St. Joseph and Sacramento. To persuade his partners to undertake such a venture was no easy matter; but they finally consented and early in March, 1860, the newspapers announced that Russell and Company were about to run a pony express between St. Joseph and Sacramento, that some of the ponies, riders, and agents had come to St. Joseph, that the work of selecting the route and locating the stations beyond Salt Lake was well under way, and that the first rider would leave St. Joseph, it was expected, on April third.* Service was to be weekly in each direction, the run was to be made in ten days, and nothing save letters and telegraph messages would be carried. Messages telegraphed to St. Joseph would be taken by the express to Virginia City, the most eastern station on the California telegraph line, thus bringing the Pacific coast within eight days of the East. Eastern telegraph lines would receive dispatches up to five o'clock in the afternoon of April third. Every precaution would be taken to keep letters and messages from water and prevent wear which might be caused by rubbing. In the case of messages triplicates would be sent.† From St. Louis to any point in California the tariff, including express carriage, would be five dollars and thirty cents for ten words, and ten cents for each additional word. From New York and the Atlantic coast cities the charge would be six dollars and ninety cents for ten words and twenty cents for each word over the ten.‡

Tuesday, April third, was a great day in St. Joseph. Toward evening an immense crowd gathered before the post office, and listened to speeches. At half past seven the pouch containing dispatches for the Sacramento *Union*, the *Alta*

* Correspondent of New York Tribune, St. Joseph, March 15, 1860; New York Tribune, March 16, 1860.

† New York Tribune, March 16, 23, 1860.

‡ Ibid., March 28, April 2, 1860.

California, and the San Francisco *Bulletin,* forty-nine letters and five private telegrams was brought out and fastened to the saddle of the pony by the Mayor of the city, and amid the shouts and cheers of the crowd the rider galloped away to begin one of the most memorable undertakings in the history of the country.* Along the route at distances of ten or fifteen miles were the stations. At each of these the rider would find saddled, bridled, and waiting for him a fresh pony. To this the pouch was transferred as quickly as possible, and the rider was off again at a gallop, for he must cover his beat of seventy-five or eighty miles on schedule time. In this way the first forty-five miles were made in five hours and ten minutes and one hundred and forty in thirteen hours. Fort Kearny must be reached in thirty-four hours; Great Salt Lake City in one hundred and twenty-four; Carson City in one hundred and eighty-eight; Placerville in two hundred and twenty-six; Sacramento in two hundred and thirty-four, and San Francisco in two hundred and forty.

As the first Overland Pony Express Mail from the East drew near to the Pacific coast there were great rejoicings in the towns through which it passed. At Placerville guns were fired and speeches made. At Sacramento the legislature adjourned in honor of the event, shops and houses were gay with flags and banners, and crowds blocked the streets along which the rider must go. At five o'clock on the afternoon of April thirteenth as he came galloping along, followed by a wild band of horsemen who met him far out on the plains, ringing bells, booming cannon, and a shouting multitude bade him welcome. From Sacramento pony and rider went by steamboat to San Francisco, where they were escorted by the militia, a torchlight procession, and a joyful crowd to the heart of the city. Bonfires burned and fireworks were set off till late in the night.

April third the first Overland Pony Express Mail eastward left San Francisco, went by steamer to Sacramento, thence by rail to Folsom, and on by coach to Genoa, where

* New York Tribune, April 5, 1860.

it was delivered to the express rider, and at five o'clock on the afternoon of the thirteenth was in St. Joseph. The city was illuminated, citizens paraded the streets with bands, speeches were made, and fireworks burned. The last one hundred miles, it was said with pride, were made in eight hours.*

That same day, Friday, April thirteenth, the second Overland Pony Express westward left St. Joseph, for the day of departure had been changed from Tuesday to Friday that letters from New York might reach St. Joseph without being detained anywhere over a Sunday. Later the Pony Express left St. Joseph on Saturday. Letters deposited at the New York office of the Pony Express as late as five o'clock on Tuesday afternoon could reach St. Joseph in time to be taken by the rider who left at eleven o'clock on Saturday night. The tariff was five dollars for less than half an ounce, and ten dollars for letters weighing from one half to one ounce. Each letter must be enclosed in a government stamped envelope with the postage to San Francisco prepaid.† Now and then no through mail would arrive, for the Indians killed many a rider. In such cases some one at the station which the murdered man failed to reach would take his place and carry the news which went on from rider to rider in place of the mail. Thus the Pony Express rider due at St. Joseph on May twenty-eighth did not come till the thirtieth, and brought no mail from San Francisco. On the way bill the agent at Salt Lake City wrote, "The rider has just come in. The Indians have chased all the men from the stations between Diamond Springs and Carson valley. The pouch in which the express matter is carried is lost." The Indians had killed two riders on the last trip.‡

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* New York Tribune, April 5, 6, 14, 16, 1860.
† Ibid., May 22, 1860.
‡ Ibid., May 31, 1860.

CHAPTER XCVI.

THE EVE OF SECESSION.

But what had the people in Kansas been doing since Secretary Stanton summoned the territorial legislature to meet on the fourth of January, 1858, and the Free State men, on the same day, voted down the Lecompton constitution? Buchanan, when he heard of the action of Stanton, promptly removed him and in his stead appointed John W. Denver, Indian Commissioner, then in Kansas on a visit to the Indian tribes. But he could not undo the work of Stanton, and on the fourth of January the territorial legislature met at Lecompton. On the fifth the Free State legislature assembled at Topeka. Seventeen men were members of both bodies, and unless they were present neither would have a quorum. It was necessary, therefore, as both were controlled by Free State men, that they should meet in the same town. Accordingly, as soon as the territorial legislature had organized and listened to the message of Acting Governor Denver it adjourned to Lawrence; and as soon as the Free State legislature was organized and had received the message of Governor Robinson it, too, adjourned to Lawrence,* met in an unfinished church, resolved to put the State government in operation, and invited the territorial legislature to dissolve and transfer all authority to the Free State legislature, and asked for an immediate answer.† The invitation was not accepted, and the two bodies went on with their labors. The Free State legislature adjourned to the tenth

* New York Tribune, January 15, 18, 1858.
† Ibid., January 22, 1858.

of February, which would be two days before the end of the session of the territorial legislature.* But its days were numbered. When it reassembled members began to desert, the quorum was lost, and the few who remained adjourned,† leaving a committee to address the people and refer to them the question, is the Topeka constitution dead? ‡

The career of the territorial legislature was worse than disgraceful. By one act a floating charter was granted to an association in which thirty-five of the fifty-two members of the legislature were interested, incorporating the town of Minneola. By another act this paper town was made the capital of Kansas and the government required to move thither by the first of March. § The site was open prairie. Not a building of any sort, not so much as a shack, was on the ground.¶ But this made no difference, and when the Governor returned the bill it was promptly passed over the veto. A few rude structures were then hastily put up; but Denver refused to go to Minneola, nor would he suffer the public records and papers to be moved from Lecompton.

More remarkable still was the conduct of the legislature in the matter of a new constitution. Three days before the end of the period to which the session was limited by law a bill calling a convention to meet at Minneola and frame a new constitution reached the Governor. This, too, he decided to veto, and, as the organic act provided that a veto during the last three days of the session should be final, the Governor considered the matter settled. Not so the party leaders, who, the next night, brought him what purported to be the bill endorsed as having been returned by the Governor and passed over his veto, and certified by the presiding officer of each house, the Secretary of the Council, and the Clerk of the Assembly. As the bill had not been returned, and was still in his hands, Denver sent for the four officials, pointed out the serious nature of their fraudu-

* New York Tribune, February 1, 1858.

† Ibid., February 26, 1858.

‡ Address of the General Assembly under the Topeka Constitution to the people of Kansas. New York Tribune, March 9, 1858.

§ Ibid., February 15, 1858.

¶ Ibid., February 19, 1858.

lent act, told them what he could do to them if he chose, and demanded that they give him a certificate setting forth that the bill had never been returned, or then and there destroy it. They chose the latter course, and, the Clerk having torn the pretended bill into pieces, thrust them into the stove.* Half an hour after the legal end of the session the members of the legislature resolved that the bill had been passed over the veto, and the convention met at Minneola, adjourned to Leavenworth, and there framed a constitution for which some three thousand votes were cast on the eighteenth of May. In this state of affairs John Brown reappeared at Lawrence.

Driven from Kansas in the autumn of 1856, he passed some months in Iowa and Ohio, and in January, 1858, summoned his friends, Thomas Wentworth Higginson, Theodore Parker, George Luther Stearns, and F. B. Sanborn, to meet him at the home of Gerrit Smith in Peterboro, New York. None but Sanborn went, and to him, Smith, and Edwin Morton was made known as wild a scheme as ever entered the head of man. Brown was determined to gather a band of trusty followers, fortify some strong position in the mountains of Virginia, raid the plantations in the lowlands, run off slaves and set them free, and make slave property so insecure that the planters would be only too glad to get rid of their slaves by selling them. As the report of his acts spread anti-slavery men would join him, and, feeling sure that hundreds would come, he drew up a plan of provisional government for his followers and showed it to his three friends. Fully expecting to use the arms the Kansas Committee had sent to Kansas, all he needed was a small sum of money, and with that in hand he would begin his campaign in the spring.† To dissuade him was impossible. "If God be for us, who can be against us?" was his one reply. At last Smith and Sanborn gave way and laid the plan before Higginson, Parker, and Stearns. At the request of Parker, Brown was called to Boston where

* Statement of Governor Denver. Robinson. The Kansas Conflict, pp. 381-382.

† F. B. Sanborn. Life and Letters of John Brown, pp. 436-439.

a thousand dollars was raised. But, just as he was about to begin his work, one of his followers to whom he had made known his proposed blow at slavery wrote to Senators Seward and Wilson and betrayed him.* Wilson at once insisted that the arms in Kansas should not be used by Brown, and his friends sent word that he must put off the attack till the winter or spring of 1859 and that, meantime, to divert suspicion, he must go to Kansas.†

To this he agreed and late in June, 1858, reached Lawrence. Wearing a long gray beard, and so changed in appearance as not to be readily recognized, Brown now called himself Shubel Morgan,‡ went at once to visit James Montgomery, a Free State jayhawker, and organized a little company for action, should the need arise.§ About the middle of December he was summoned by Montgomery to go with him on a raid against Fort Scott. A settler named Rice had been arrested and taken to the Fort, and Montgomery, having determined to set Rice free, gathered his men and called on Brown to join him. The old man went; but, when he found that Montgomery, not he, was to lead, refused to take part. Montgomery, therefore, set off without Brown, entered the town with a band, sacked a store, killed the owner, and brought away Rice.

Brown's turn, however, was at hand. Three days after the Fort Scott raid a slave with brooms for sale crossed the border from Missouri and came to Barnesville, met one of the followers of Brown, and asked for help to escape. His wife, his children, and himself were to be sold at auction in a few days. Brown was informed, and on the following night two bands of Free State raiders rode down the Little Osage River and entered Missouri. One, led by Brown, went to the house of the owner of the negro, seized five slaves, some horses, a wagon, food, and clothing, visited a neighboring plantation, captured five more slaves, and returned to Kansas. The other party brought away but one

* Sanborn. Life and Letters of John Brown, pp. 456-458.
† Ibid., p. 464.
‡ Ibid., p. 473.
§ Ibid., pp. 474-475.

slave, and killed the owner because he withstood the raiders.* The eleven were taken to an old cabin on the Pottawatomie.

All southern and eastern Kansas and the borders of Missouri were now greatly excited. Free State men in Linn County fled from their homes.† A delegation of pro-slavery men from Fort Scott visited Governor Medary, who had succeeded Denver and had just taken office, to complain of Montgomery. The Governor of Missouri asked the legislature to punish those engaged in the Brown raid; citizens of Bates and Vernon Counties begged him to consider the suffering of those robbed and outraged in their homes by a band of lawless men from Kansas supposed to be led by the notorious Brown and Montgomery, and a bill to allow the use of militia to patrol the border counties was at once introduced into the Senate. The special committee to which it was referred gave good reasons why it should not pass, but advised that rewards be offered for the seizure of the leaders. The legislature did so, and the Governor offered three thousand dollars for the capture of Brown. Buchanan offered two hundred dollars for Brown and a like sum for Montgomery, and Governor Medary denounced the two leaders in a message to the legislature of Kansas. But there, as in Missouri, a committee took a calmer view. That all armed bands should be scattered and the law upheld, the committee believed, was no more than plain duty; but to offer rewards was useless. The man in Kansas who should, for a reward, betray a fellow to the general government would sink into the grave of an Arnold or a Judas. The general government had done such deeds in Kansas that public sentiment would not suffer any person to take its gold as a bribe to do a duty.‡ The truth of this statement was soon proved, for, on the twentieth of January, Brown left the Pottawatomie with the negroes and a small escort, made his way across Kansas, Nebraska, Iowa, and Illinois to Chicago, went on to Detroit, and on March twelfth landed

* O. G. Villard. John Brown, pp. 367-369.

† Lawrence correspondent, New York Tribune, January 28, 1859.

‡ Villard. John Brown, p. 377. Kansas House Journal, 1859, p. 57.

the negroes safe, sound, and free in the little town of Windsor, Canada.

The territorial period in Kansas was now drawing to a close. The fourth legislature which assembled early in January, 1859, at Lecompton, but promptly adjourned to Lawrence, repealed the "bogus laws" of 1855, and such copies of them as could be found were burned in the street at midnight.* The general acts of 1857 were likewise repealed; those of 1858 were carefully revised, and the question of another constitutional convention was referred to the people. They approved; and in July, at Wyandotte, a fourth constitution was framed and ratified, October fourth, by a good majority.†

The new constitution of Kansas was still the subject of newspaper comment when on Monday, October the eighteenth, the country was startled by the report of rioting at Harper's Ferry and of the seizure by the rioters of the United States arsenal. This, the *Tribune* believed, was the work of men dissatisfied by the government control of the armory, and of others with grievances against the railroads. On the other hand, it was stated that the Secretary of War, some months ago, had received an anonymous letter foretelling an insurrection of negroes, led by white men, at Harper's Ferry and probably at Wheeling.‡ A later despatch from Frederick stated that an armed band of Abolitionists and negroes had seized the arsenal, that an express train going East had been fired into, that a negro and a railroad hand had been killed while trying to get through Harper's Ferry, and that two men with a load of wheat had been stopped, their wagon taken, loaded with arms, and sent into Maryland. The rioters, it was said, numbered two hundred and fifty whites, aided by gangs of negroes.§ A despatch from Baltimore sent out at two o'clock on the morning of the eighteenth announced that the bridge over the Potomac swarmed with insurgents, all armed, that every light in the

* New York Tribune, February 12, 1859; April 22; July 8, 13; August 17; September 26, 1859.

† Majority, 4,891; total vote, 15,951; against it, 5,530.

‡ New York Tribune, October 18, 1859.

§ Ibid.

town was out, that the streets were in possession of a mob, and that many citizens had been arrested. Later still it was announced that the City Guards, Shields Guards, and the Greys had been sent from Baltimore and militia hurried from Frederick; that three companies of artillery had been ordered from Old Point Comfort, and a corps of marines from the Washington Barracks, and that fears were felt lest the disturbance should spread to Washington and Alexandria.

The leader of the foray which thus amazed the whole country was old John Brown, and the number of white men and black under his command was twenty-two. After seeing the slaves brought from Missouri safe and free in Canada, Brown went to his home in North Elba, N. Y., and was ready and eager to make the attack on Virginia which his friends had prevented when they sent him back to Kansas in 1858. One, indeed, disapproved of the Virginia scheme; another had lost interest; a third was abroad; but Smith, Stearns, and Sanborn raised two thousand dollars.* With this sum Brown joined his sons in Ohio, and with them went to Chambersburg, Pennsylvania, late in June, and as I. Smith and Sons established a sort of headquarters to which came guns, pikes, and supplies.

The night of June thirtieth was passed at Hagerstown, and on July third I. Smith and Sons took board at Sandy Hook, a little village a mile from Harper's Ferry on the Maryland side of the Potomac.† Smith pretended to be in search of a cheap farm, said his business was buying fat cattle to ship to New York, and finally rented, for thirty-five dollars, eight months' use of the Kennedy farm in Maryland, some four miles from the Ferry.

One of his men was now stationed at Chambersburg, whither came arms from West Andover, Ohio, pikes from the maker in Connecticut, such money as his Boston friends sent from time to time, and the men who were to take part in the foray. From Chambersburg the arms were carried

* Sanborn. Life and Letters of John Brown, pp. 493, 523, 524.

† House Reports of Committees, 36th Congress, 1st Session, No. 278, p. 5.

by wagon, driven by Brown or one of his sons, to the Kennedy farm.

While these preparations were under way the whole scheme was betrayed to the Secretary of War by the writer of an unsigned letter. It was postmarked Cincinnati and announced the existence of a secret association for the liberation of slaves by a general insurrection; stated that Old John Brown of Kansas was the leader, and that when all was ready his men were to come from Canada and the Northern States to some rendezvous in the Virginia mountains. They would pass through Pennsylvania and Maryland and enter Virginia by Harper's Ferry, and would arm the negroes and strike a blow within a few weeks.* Specific as were the statements, they failed to arouse Secretary Floyd. He gave the letter no heed, and Brown went quietly on with his preparations. By October all was ready, and about eight o'clock on the evening of Sunday, the sixteenth, Brown said to his followers, "Men, get on your arms; we will proceed to the Ferry." The horse and wagon that had gone so often between the farm and Chambersburg were then brought out, some pikes, a crow bar and sledge hammer were put in the wagon, and, when the men had their guns, Brown took the reins and mounted to the driver's seat. His son, Owen, and two followers were left to guard the arms and supplies at the farm. The others, eighteen in number, fell in behind the wagon, and the little band, unseen by anyone, took the road to the bridge over the Potomac. Two were ordered to cut the telegraph wires. At the bridge a halt was made and two went forward and captured the watchman. Watson Brown and another were left to guard the bridge while the rest crossed to Harper's Ferry. It was then about half-past ten o'clock. At the end of the bridge on the right hand was the Wager House, in which was the railroad station. To the left was a saloon known as the Galt House. To the right extending along the bank of the Potomac was the armory ground, in which, just beyond the Wager House, was a brick building. A small part

* Sanborn. Life and Letters of John Brown, p. 543. The letter is printed in full in Villard, John Brown, p. 410.

of it was used as a watch house and the rest as an engine house in which were a fire engine and hose cart. Proceeding at once to the armory gate the raiders seized the watchman, and when he would not give up the key the crow bar was used to force the gate. Two men were then sent across the street to take possession of the arsenal, which was not in the armory ground. Two more went to hold the bridge over the Shenandoah, two occupied the rifle works a half mile up that river, and a party of six set off down the Charlestown pike to capture Colonel Lewis W. Washington. He submitted without resistance, and with his slaves and two neighbors, John H. Allstadt and son, was brought a prisoner to the armory.* Meanwhile, a man who came to relieve the night watchman on the bridge was ordered to surrender, and when he fled was fired at, but escaped with a scalp wound. At half-past one o'clock in the morning a Baltimore and Ohio train came in from the West and was about to cross the bridge when the wounded watchman told the story of his escape, and the train was at once backed away.† Just at that moment a free negro named Hayward, employed as baggage master at Harper's Ferry, left the Wager House and moved toward the bridge. A cry of "Halt!" made him turn back, and a moment later he fell mortally wounded.

The shot which killed him aroused Dr. John D. Starry. He went at once to Hayward's side, and finding him past help watched the doings of the invaders till about daybreak, when he took horse, roused the men in charge of the arsenal, had the church bell rung to awaken the citizens, sent messengers to Charlestown and Shepherdstown, and finally rode to Charlestown. There he found the court house bell ringing and told the people what had happened at Harper's Ferry. The militia company, called the Jefferson Guards, promptly took arms without waiting to don their uniforms. The men and boys in town formed another company, and both were about to board a train when Colonel Baylor arrived and went with them to Halltown.

* Reports of Committees, 36th Congress, 1 Session, No. 278, pp. 29-40.

† New York Herald, October 19, 1859.

There he was told that the tracks of the Baltimore and Ohio and the Winchester and Potomac railroads had been torn up. Believing this to be true, he sent word to Colonel Moore, at Winchester, to muster all volunteers and report at Harper's Ferry. The guards then proceeded on foot till about a mile from the armory, when they were ordered to cross the Potomac and the canal to the Maryland side, march down and take the bridge. At the Ferry Baylor found two companies of citizens under Lawson Botts and John Avis. Botts he ordered to go around the hill, take the Shenandoah bridge, and occupy the Galt House. Avis he sent to occupy the houses opposite the armory.* The Jefferson Guards, meantime, had crossed the Potomac and the canal, rushed across the bridge, and entered the Wager House.

By this time the news of the raid had spread. About daylight the train which had halted was suffered to go on its way, and when Monocacy was reached the conductor sent a telegram to the Master of Transportation at Baltimore. His baggage master, he said, had been fired at, the station agent had been killed, and the town was in the hands of a hundred and fifty Abolitionists. They had come to free the slaves, and had declared that not another train should cross the bridge east or west.† The Master of Transportation would not believe it, and replied, your despatch is exaggerated and written under excitement. Why should our trains be stopped by Abolitionists? How do you know they are such and that they number a hundred and more? What is their object? Let me know before we proceed to extremities. From Ellicott Mills the conductor answered that his despatch was not exaggerated, was not made under excitement, that matters were worse than he stated. Ere this time the president of the Baltimore and Ohio Railroad had seen the despatch, and at half-past ten telegraphed to Buchanan, to Governor Wise of Virginia, and to the commander of the Maryland militia, that an insurrection of

* Colonel Baylor to Governor Wise, October 22, 1859. Dreer Collection of John Brown Letters. Historical Society of Pennsylvania.

† Correspondence relating to the insurrection at Harper's Ferry, October 17, 1859. Maryland State Papers.

whites and negroes had broken out at Harper's Ferry. Buchanan at once ordered three companies of artillery from Fortress Monroe, accepted the services of a militia company at Fredericksburg, sent off Lieutenant Green and a company of marines from the Navy Yard, and summoned Colonel Robert E. Lee and Lieutenant J. E. B. Stuart to a conference at the White House. When it ended both started for the Ferry, overtook the marines at Sandy Hook, and toward midnight reached the armory.

In Harper's Ferry the day had been one of fighting and bloodshed. From one of the houses opposite the armory a negro follower of Brown was shot and killed. Brown then sent out a flag of truce carried by a prisoner and one of his men named Thompson, who was at once seized and brought to the Wager House. Still later a third flag was taken out by a party consisting of another prisoner, Watson Brown, and a follower named Stevens. Stevens was shot and Watson Brown, mortally wounded, made his way to the side of his father, who, with eleven important prisoners, had taken refuge in the engine house. The other prisoners were confined in the watch house.

About this time a young lad named Leeman, one of Brown's volunteer regulars and a member of the Osawatomie party, attempted to escape from the armory yard, but was chased into the Potomac and killed after he had surrendered. Early in the afternoon a resident of the vicinity named Turner was killed and shortly afterward the Mayor of the town, while peeping from behind a water tank, was shot dead. In revenge his nephew and a companion dragged the prisoner Thompson to the bridge, shot him, and threw his body into the river.* About three o'clock Dr. Starry sent a party to the rifle works. As it drew near the three men holding the place for Brown fled to a rock in the Shenandoah, where two were killed and one captured.†

The two men in the arsenal, finding themselves cut off

* New York Tribune, October 29, 1859. Testimony of Henry Hunter.

† Mason's Report, p. 27, Senate Reports, 36th Congress, 1st Session, New York Tribune, October 19, 1859.

from Brown by the arrival of the Jefferson Guards, escaped, made their way to the Kennedy farm and then to Pennsylvania, where one of them, Hazlett, was taken prisoner.

And now bodies of armed men came pouring into town from the country round about; from Shepherdstown, from Frederick, from Winchester, and one, hastily formed of citizens, from Martinsburg. This company under orders from Colonel Baylor entered the armory grounds, set free the prisoners in the watch house, and might have taken the engine house had not a flag of truce been sent out in the hands of a prisoner, Israel Russell. Through him Brown offered to leave the town if allowed to take his prisoners to some place beyond the bridge and then set them free. Baylor replied if Brown would release the prisoners he would leave the government to deal with him as it saw fit. Brown then offered to go if all his men, dead, wounded, and living, and his horse and harness were delivered, and he were allowed to take the prisoners across the bridge before releasing them. This, too, was refused.*

Darkness had by that time come on, and no further attack was made lest some of the prisoners should be killed. During the evening troops arrived from Baltimore, and toward midnight Lee, J. E. B. Stuart, and the marines.

Shortly after daybreak Stuart was sent to demand the surrender of the men in the engine house. When the door partly opened and the old leader, gun in hand, looked out Stuart, who had served in Kansas, at once recognized him as Osawatomie Brown.† Again he rejected all overtures of peace; declared he would die where he was; and Stuart, stepping back, swung his cap as a signal for the attack to begin.‡ The honor of making it was offered by Lee to the colonel of the Frederick militia, who declined, and then to the senior officer of Virginia militia on the ground, who likewise declined. Thereupon Lee offered it to Lieutenant Green of the marines, who chose twelve men and toward

* Colonel Baylor to Governor Wise, October 22, 1859. Dreer Collection. Historical Society of Pennsylvania.

† Told by Mr. Daingerfield, one of Brown's prisoners. Century Magazine, June, 1885.

‡ McClellan. Life and Campaigns of J. E. B. Stuart, pp. 28-30.

sunrise the attack began.* Three men with sledge hammers attempted in vain to break down the door. Green then ordered that a ladder which lay near be used as a battering ram.† At the second blow a ragged hole was made through which Green crawled, and moving between the engine and the hose cart sought to thrust his sword through Brown. But the sword was a light one, and, striking Brown's belt, bent. Taking it by the blade, Green showered blows on Brown's head with the hilt and beat him down. Meantime the marines who followed their leader bayoneted one man under the engine and pinned another to the wall. All resistance now ceased, the door was pulled down, and, amidst intense excitement, the dead, wounded, and dying were dragged out and laid on the grass.

Of the two and twenty men Brown had gathered at the farm seven had escaped, nine had been killed, one was a prisoner, and of the rest three were wounded and two unhurt. Brown and a companion were soon removed to the office of the paymaster, where, surrounded by Lee, Stuart, Senator John M. Mason, Governor Wise of Virginia, Congressman Charles J. Faulkner, and Vallandigham of Ohio, Brown for three hours was questioned by the bystanders, an historic interview preserved for posterity by a reporter of the New York *Herald*.‡

And now arose a question of jurisdiction. The armory, the arsenal, and the rifle works which Brown and his men had seized were under the exclusive jurisdiction of the United States; but citizens had been killed, prisoners had been taken, and slaves had been armed on the soil of Virginia. These acts seemed to give Virginia jurisdiction. District Attorney Ould was, therefore, sent post haste to Harper's Ferry, where the matter was soon settled and the prisoners under guard were taken to the Charlestown jail in charge of the United States Marshal for the District and the Sheriff of Jefferson County.§

* Villard. John Brown, p. 452.

† New York Tribune, October 19, 1859.

‡ New York Herald, October 21, 1859; O. G. Villard, John Brown, pp. 456-463; Sanborn, Life and Letters of John Brown, pp. 562-570.

§ New York Tribune, October 20, 1859.

The morning after the capture of the engine house the marines and some volunteers marched to the Kennedy farm and found that the house had been rifled by the people in the neighborhood.* At the little schoolhouse near by they found blankets, clothing, shoes, two hundred Sharp's rifles, two hundred revolvers, ten kegs of powder, and fifteen hundred pikes, which were carried off by the soldiers as souvenirs. In a carpet bag were some papers and letters, among which was one from Frederick Douglas and another from Gerrit Smith enclosing a draft for one hundred dollars.† When news of the raid and the letters reached the North the aiders and abettors of Brown promptly destroyed much of their correspondence ‡ and fled. Frederick Douglas, Doctor Howe, Stearns, and Sanborn sought safety in Canada.§ The friends of Gerrit Smith, fearing a requisition from the Governor of Virginia, guarded his house by day and by night.¶ But the strain was too much for him, his mind gave way, and he was taken to the Utica Asylum.|| Higginson remained in Worcester.

On the morning of October twenty-fifth the four surviving prisoners were brought before the magistrate's court for a preliminary examination. They came under guard of eighty men, and many more were placed around the court house. Brown, scarcely able to walk, was manacled to Cappoc. Brown had written to Boston for counsel,** but as none had yet arrived the court assigned Charles J. Faulkner and Lawson Botts.†† Faulkner soon withdrew, and Thomas C. Green, Mayor of Charlestown, took his place. After hearing some witnesses the prisoners were remanded for trial to the circuit court then sitting. At two o'clock

* Some fifty or more letters were recovered from the people near the farm by Mr. A. R. Boteler of Congress. New York Tribune, November 27, 1859.

† New York Tribune, October 20, 1859.

‡ Sanborn. Life and Letters of John Brown, p. 514, note.

§ New York Tribune, November 4, 10, 1859.

¶ Frothingham. Life of Gerrit Smith, p. 243.

|| New York Tribune, November 10, 1859.

** Brown to Judge Russell of Boston, October 21, 1859; Sanborn, Life and Letters of John Brown, pp. 578-579.

†† New York Tribune, October 26, 1859.

the same day the court met and, the Grand Jury having been called, the magistrate's court reported the result of the examination, and the Grand Jury retired with the witnesses for the State. About four o'clock it returned, and, reporting that it had not finished with the witnesses, the court adjourned to the next day.*

The State having decided to try Brown and Stevens before the others, they were brought into court. Stevens, who it was feared was dying, was carried on a mattress which was laid on the floor. Brown, who refused to leave his cot, was carried on it to the court room,† and during most of the trial lay with eyes closed and the counterpane tucked under his chin. The Grand Jury then reported a true bill charging them with conspiring with negroes to produce insurrection, with treason against the Commonwealth, and with murder, and was discharged. The panel having been called and sworn, all who witnessed the fight at Harper's Ferry were excluded. Those taken, twenty-four in number, were farmers from distant parts of the county. Eight of them were stricken off by Brown's counsel, and from the sixteen remaining twelve were drawn by lot. On the second day of the trial Brown walked to the court room, but again lay upon his cot. As news of this spread over the North a cry of indignation arose. Such haste was indecent, such treatment inhuman. When, it was asked, in any civilized country had a prisoner ever before been put on trial for life when so disabled with wounds that he had to be carried to the judgment hall on a litter. Speedy trial, it was explained, was necessary. Public opinion demanded it, and if postponed the prisoner might be lynched by his enemies or a rescue attempted by his friends. The court was sitting and the wounds of Brown were far from serious.

On the third day a young man, George H. Hoyt of Boston, appeared as counsel for Brown. He was sent by Mr. John W. Le Barnes in the double capacity of counsel and spy, for he was to report on the military situation, the number and disposition of the troops, and the defenses of

* New York Tribune, October 26, 1859.
† Ibid., October 28, 1859.

the jail.* On the fourth day Chilton came from Washington. The defense of Brown was then in skillful hands, and his trial was fair. But the result was never in doubt, and on the last day of October the jury returned a verdict of guilty of treason, of conspiring and advising with slaves and others to rebel, and of murder in the first degree, and after a delay of two days he was sentenced to be hanged on Friday the second of December.

Every mail now brought letters to Governor Wise urging that the sentence be not carried out. Some threatened his life; some warned him that if Brown were hanged the towns of Virginia would be burned; some opposed it on grounds of public policy, and others that such a death would make Brown a martyr. "Now, my friend," wrote Fernando Wood, "dare you do a bold thing and temper justice with mercy? Have you nerve enough to send Brown to the State prison instead of hanging him? Brown is looked upon here as the mere crazy or foolhardy emissary of other men." † "From honest, patriotic men like yourself, many of them," Wise replied, "I am warned that hanging will make him a martyr. Ah! Will it? Why? The obvious answer to that question shows me above everything else the necessity for hanging him. . . . I have precisely nerve enough to let him be executed with the certainty of his condemnation. He shall be executed as the law sentences him, and his body shall be delivered over to the surgeons and await the resurrection without a grave in our soil." ‡ A physician had asked for his body to embalm and exhibit.

From Philadelphia came a memorial, signed by twenty-two names, asking for clemency for Brown. John Tyler, Jr., wrote that if the Harper's Ferry prisoners were hanged a reaction in favor of Black Republicanism would follow throughout the North. If sentence were commuted to imprisonment for life the magnanimity of Virginia would be

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* Villard. John Brown, p. 484.

† Dreer Collection of John Brown Letters. Historical Society of Pennsylvania.

‡ Ibid.

commended, the wisdom of her Governor extolled, envy disarmed, and the triumph of Democracy assured.*

The press, North and South, was likewise divided. We go for a summary vengeance, said one. The invasion of Harper's Ferry has exhausted the patience of the South and aroused a feeling of indignation which goes beyond the brigands on trial at Charlestown to the party at the North whose teachings they have illustrated by treason, robbery, and bloodshed. We demand the execution of brigand Brown.† Virginia and the South are ready to face all the consequences of the execution of Brown and his confederates.‡ There is a debt due the law and the South, and we insist that it be paid without abatement and to the last farthing.§ Though it convert the whole Northern people into furious armed Abolition invaders, yet old Brown will be hung. Virginia and the people of Virginia will treat with deserved contempt all the craven appeals of Northern men in behalf of old Brown's pardon. The miserable old traitor and murderer belongs to the gallows, and the gallows will have its due.¶

To hang a fanatic, said a Northern paper, is to make a martyr of him. Better send these men to the penitentiary and so make them miserable felons.‖ Our judgment, said a Virginia paper, and we are bound to give it if every subscriber stops his paper, is in favor of confinement for life. Blood enough had been shed.** The very sympathy for John Brown, wrote Governor Wise, so general, so fanatical, so regardless of social safety, so irreverent of the reign of law, demands his execution.††

* John Tyler, Jr., to Henry A. Wise, November 2, 1859. Dreer Collection of John Brown Letters. Historical Society of Pennsylvania.

† Savannah Republican, quoted by New York Tribune, November 5, 1859.

‡ Richmond Whig, quoted by the Liberator, November 11, 1859.

§ Augusta Chronicle, quoted by New York Tribune, November 5, 1859.

¶ Richmond Whig, quoted by the Liberator, November 18, 1859.

‖ New York Journal of Commerce, quoted by the Liberator, November 4, 1859.

** Clarke Journal, Berryville, Virginia, November 11, 1859; Villard, John Brown, pp. 501-502.

†† Governor Wise to Rev. William C. Whitcomb, November 17, 1859. New York Tribune, November 24, 1859.

The fate of Brown having been settled, rumors that a rescue would be attempted found their way to the newspapers and to Governor Wise. Buchanan wrote that a stranger from Troy had called and told of a company in that city bent on rescuing Brown.* Now it was a wild rumor from Frederick City that a body of Abolitionists had crossed from Pennsylvania to Virginia with intent to effect a rescue.† Now it was the report of an organization in New York City with branches extending to Boston and into the interior of the State. Now it was a letter from Tennessee telling of plots in the North. A letter from Lewisburg announced the existence in that town and nearby villages of the Noble Sons of Liberty, five hundred strong. The members were to drop into Charlestown one by one and, when all was ready, take Brown from jail.‡

A letter from Detroit contained assurances that for three weeks past a party had been organizing there to rescue Brown. They were commanded by men well known in Kansas, and some had served with Walker in Nicaragua. Some eight thousand had enrolled and about the last of November would rendezvous near Charlestown.§ Some one in Philadelphia wrote Brown that five thousand men with pikes were coming from that city, and twenty-five hundred from New York, and would rescue him December first. A man in Yellow Springs, Ohio, wrote the Sheriff of Jefferson County that an expedition to rescue Brown was forming in that town and in Xenia, Springfield, Urbana, Columbus, Cleveland, and Cincinnati. The members would go singly by different routes, at different times, and drop into Charlestown as strangers coming to see the execution.¶ Another, writing from Harrisburg, announced that armed men were to leave in time to reach Charlestown on the day of execution. Their plan was to fire the town and, in the confu-

* Buchanan to Wise, November 10, 1859. Dreer Collection. Historical Society of Pennsylvania.

† New York Tribune, October 27, 1859.

‡ Ibid., November 24, 1859.

§ John Brown Letters, Virginia Magazine of History and Biography, Vol. 10, pp. 385-387.

¶ Ibid., p. 173.

sion, rescue Brown.* A man in Zanesville knew of thirty men armed with Colt's revolvers who, with two hundred and seventy others, would cross the Ohio and reach Harper's Ferry December first.† The United States Marshal at Cleveland forwarded a letter he had received from North Bloomfield stating that John Brown, Jr., had boasted that nine thousand desperate men would effect a rescue and that his father would not be hanged.‡

A resident of Mount Pleasant, Ohio, wrote Governor Wise that an association had been formed with headquarters in the village and branches at Claysville and West Middletown, Washington County, Pennsylvania, and Hookstown, Beaver County, Pennsylvania; that it numbered one hundred and fifty men, and had been invited to join six or seven hundred from the Western Reserve, under young Brown, in a contemplated rescue.§

Wise now wrote to Buchanan. Reliable information had been received, he said, leaving no doubt that a conspiracy, formidable in numbers and extent, existed to attempt the rescue of Brown. It numbered a thousand men, and a rendezvous and depots had been established by these desperadoes in Maryland, Pennsylvania, and Ohio. This he reported that the President might take steps to keep the peace between the States, for, were Virginia again invaded, he would pursue the invaders wherever they went.¶ Buchanan could not believe it possible that a rescue would be attempted. Nevertheless, if the information were well founded, he would increase the guard at Harper's Ferry and use the troops to prevent the insurgents seizing government arms with which to attack Virginia, or as a posse to prevent the rescue of Stevens, still in the hands of the Sheriff. As to the depots and rendezvous in Ohio, Maryland, and Pennsylvania, he

* John Brown Letters, Virginia Magazine of History and Biography, Vol. 10, p. 168.

† Ibid., p. 167.

‡ Ibid., p. 279.

§ Letter to Governor Wise. Dreer Collection. Historical Society of Pennsylvania.

¶ Wise to Buchanan, November 25, 1859. Dreer Collection. Historical Society of Pennsylvania.

could not find in the Constitution or the laws any authority for attacking them. It was the duty of the States to break them up, for, if the Government entered these States and destroyed the depots, the act would be "a usurpation of their rights," a "palpable invasion of State sovereignty," and as a precedent might be highly dangerous.*

Governor Wise was not the only one who heard of plots to rescue Brown. During the month of November the citizens of Charlestown and the neighboring towns were in a state of constant alarm. Late in October the superintendent of the arsenal sent word to Governor Wise, the Secretary of War, and President Garrett of the Baltimore and Ohio Railroad that he had reliable information that a rescue would be attempted by parties from New York and Pennsylvania.† Early in November barns and haystacks on the farms of three men who had served on the Grand Jury that indicted Brown were fired.‡ This was believed to be the work of friends of Brown, and the Mayor of Charlestown ordered that all strangers leave the town. Under this order Hoyt, counsel for Brown, who returned to secure his property, and an artist employed by Frank Leslie's *Illustrated Newspaper,* were forced to leave.§ Burning the haystacks and constant rumors of intended rescue so alarmed Colonel Davis that he telegraphed to the Governor to send five hundred troops "instanter." A large body, he said, were approaching from Wheeling armed with pikes and Colt revolvers. Troops were accordingly hurried into Charlestown from Alexandria, Winchester, and Richmond, and Governor Wise came with them.¶ But they were at once dismissed.

Four days later the Governor began to make ready for the execution. Troops were again sent to Charlestown till a thousand were gathered. The telegraph line was taken

* Buchanan to Governor Wise, November 28, 1859. Dreer Collection. Historical Society of Pennsylvania.

† New York Tribune, October 29, 1859.

‡ Ibid., November 19, 1859.

§ New York Tribune, November 16, 1859. Hoyt's account of his expulsion is in the Tribune for November 17, 1859.

¶ New York Tribune, November 18, 19, 21, 22, 1859.

possession of and no private despatches were allowed to go out; the Winchester and Potomac Railroad it was ordered should be taken by the State, and on the first, second, and third of December be used solely for military purposes. General Taliaferro announced that all strangers who could not give a satisfactory account of themselves would be arrested, that all approaching Charlestown by rail or by road would be turned back, and warned the people to stay at home and protect their property. He had reliable information that by so doing they would best consult their own interests.* Several newspaper reporters were accordingly put off the cars at Baltimore, and three Ohio merchants were arrested at Martinsburg.†

When the eventful day came no disturbance, no demonstration of any sort was made, and old John Brown of Osawatomie was quietly hanged. In many cities in the North the day was marked by public ceremonies and expressions of sympathy and grief. Sympathy meetings were held at Philadelphia, Albany, Providence, Worcester, Boston, and Syracuse. At all these places speeches were made and at some collections were taken for the relief of the martyr's family. Elsewhere, as at Concord and Plymouth and New Bedford and Birmingham, sixty-three strokes were struck on the bells, and in some places a hundred minute guns were fired. At Manchester the Mayor stopped the bell ringing.

On the Monday following the death of Brown the thirty-sixth Congress opened its first session. The hall in which the House assembled presented a most unusual appearance, for the desks and chairs had been removed and in their places were circular rows of benches. The purpose of the change was to gather the members in the center of the room and in front of the Speaker, secure better attention to the proceedings of the House, and make it easier for the members to be heard. The first proceeding of the House arrested the attention not only of the members, but of the whole

* New York Tribune, November 30, 1859.

† Ibid., December 2, 1859. Their letter saying they had been civilly treated and had no complaint to make is in the Tribune, December 3, 1859.

country, for it was a long and bitter struggle over the choice of a Speaker. The elections of 1858 had returned eighty-eight Buchanan Democrats, thirteen anti-Lecompton Democrats, one hundred and nine Republicans, and twenty-seven Americans. The Clerk of the last House having called the assemblage to order, a ballot was taken and the votes were cast for sixteen men; sixty-six went to John Sherman, a Republican; forty-three to Galusha A. Grow, a Republican; and eighty-six to Bocock, the choice of the Democratic caucus. Clark of Missouri now obtained the floor, and to the astonishment of all offered a resolution that, whereas certain members of the House in nomination for the speakership had endorsed and recommended a book called "The Impending Crisis of the South; How to Meet It," therefore, be it resolved that the doctrines and sentiments of that book are incendiary and hostile to the domestic peace and tranquillity of the country, and that no member who recommended or endorsed it or its Compendium is fit to be Speaker. Applause greeted the motion, and excitement rose so high that the meeting adjourned.

The book was written by Hinton Rowan Helper, a poor white, born in North Carolina, and had been published in 1857. Slavery, he held, was ruinous to poor Southern whites who owned no slaves, and their only hope of betterment lay in immediate abolition of slavery. To prove this Helper passed in review the social, financial, industrial, and economic conditions North and South, cited statistics of every sort, quoted the testimony of Northern men, Southern men, and men of all nations, the churches, and the Bible against slavery, and argued that could the hateful institution be abolished the South and her poor whites would become as prosperous and progressive as the North and her free population. Manufactures would spring up; commercial cities would develop; public schools and libraries would multiply, and illiteracy disappear; the mileage of railroads and canals would increase; the value of land rise from five dollars to twenty-eight dollars an acre; all the material interests of the South would be fostered, and the oligarchical despotism based on slavery would be thrown down. Much

of his argument was sound and unanswerable, and it was this fact which led some gentlemen in New York to think that a wide circulation of the book in a more condensed form would be useful in the coming campaign. A circular was, therefore, sent out asking for help to raise sixteen thousand dollars with which to print one hundred thousand copies of a compendium for circulation among intelligent, liberty-loving voters, irrespective of party, in Pennsylvania, New Jersey, Maryland, Indiana, and the border slave States. Such a circulation the committee believed would be a seasonable preparation for a Republican triumph in 1860. The anti-slavery press, it was said, had endorsed "The Impending Crisis" as the best kind of a Republican textbook. To the circular were appended the names of the New York Committee, some fourteen prominent citizens, and sixty-eight members of the United States Senate and House of Representatives.* Several times during the summer the appeal was repeated,† but not more than four thousand dollars was collected, and by the end of autumn not a copy had been issued. A few hundred had been printed as specimens, and about half of them distributed to subscribers; but the day had come when the book would be read the land over.

When the House met on the following day Clark had the names of those who signed the endorsement read, and also some extracts from the book to show that it was incendiary,‡ and Sherman, one of the signers, defended himself. He had never read the book, had never seen a copy of it, had no recollection of signing the endorsement, and was opposed to any interference by the people of the free States with the relation of master and slave in the slave States.§ As the excited debate ran on, Keith of South Carolina exclaimed, the South asked nothing but her rights, and he would have no more, but, as God was his judge, he would shatter the Republic from turret to foundation stone before

* New York Tribune, March 26, 1859.

† Ibid., July 16, August 12, 1859.

‡ New York Tribune, December 6, 1859; Congressional Globe, 36th Congress, 1st Session, Part 1, p. 3.

§ Congressional Globe, 36th Congress, 1st Session, pp. 16-17.

he would take less.* To this outburst Thaddeus Stevens of Pennsylvania replied that he did not blame the gentlemen of the South for their language of intimidation, for this threat of rending God's creation from turret to foundation stone. This was quite right. They had tried it fifty times and fifty times they had found weak and recreant tremblers in the North, who were affected by it and acted under these intimidations. Crawford of Georgia now rose and with loud voice, violent gestures, and threatening manner approached Stevens, followed by a crowd of excited members who climbed over the benches to join him. Stevens did not budge, and when the excitement had spent itself said, "What have you gained by all this? Such things do not intimidate me."

On the third day of the session, after more wrangling and insulting remarks, a second ballot was taken.† The speeches now became more violent than ever, and consisted of attacks on Helper's book, or Seward's irrepressible conflict speech, on the John Brown raid and the responsibility of the Republicans for it, and in threats of secession. The Republicans, said Lamar of Mississippi, are not guiltless of the blood of John Brown and his men and the innocent victims of his ruthless vengeance. Roger A. Pryor of Virginia described "The Impending Crisis" as rioting in rebellion, treason, and insurrection. Curry of Alabama declared that, if the North elected Seward or Mr. Chase or any other member of the Republican party on a sectional platform, such an election would be resisted to the destruction of every tie which bound together the great Confederacy. To submit would be a calamity embittered by disgrace. We will never submit to the election of a Black Republican President, said Crawford.

On the sixteenth of December Gilmer withdrew and Boteler of Virginia became the candidate of the Southern opposition, and on the following day Briggs of New Jersey was put forward as the American and drew nine votes. Ten days later Bocock retired and Millson was put forward; but

* Congressional Globe, 36th Congress, 1st Session, pp. 16-17.

† Shannon, 107; Bocock, 88; Gilmer, an American, 22; Scattering, 14.

he failed to draw the Democratic vote, and on the twenty-third of December received but twenty-seven. Buchanan, wearied with waiting, sent in his message two days after Christmas. It was read to the Senate, but not to the members elect of the House, and the year closed with no Speaker chosen. Bonham of South Carolina could speak but for himself and those he had the honor to represent, but he could say that if Mr. Seward or any other man who endorsed the doctrines held by the Senator and the Republican party were elected he was in favor of an immediate dissolution of the Union.* Moore of Alabama declared that if a President were elected by a fanatical majority of the North those whom he represented would fall back on their reserved rights, and, let the consequences be what they might, would say, "As to the Union, we have no longer lot or part in it." † In the opinion of Hindman John Brown was the tool of the Republican party and did its work. If Northern men were marched against the South they would be welcomed with bloody hands to hospitable graves. It was an outrage and insult to the South to insist on Sherman for Speaker.

Out of Congress the excitement, during the month of December, was as great as in it. Governor Wise told the Virginia legislature that before it adjourned it must consider the subjects of State defense; freedom from Northern trade; protection of property from negro-stealing, oyster-stealing Yankees; the treatment of free negroes and Yankee peddlers, and the great question of remaining in the American Confederacy.‡ In Berea, a little town of Kentucky, was a colony of white men and women who had gone there with the praiseworthy purpose of helping the poor, non-slave-holding whites. They found most of them unable to read or write, living in one-room houses with no windows, and poorly clad; but schools and churches were opened, a mill built, and the uplift was well under way when John

* Congressional Globe, 36th Congress, 1st Session, Part 1, p. 166.

† Ibid., p. 71.

‡ New York Tribune, December 7, 1859, quoting the Richmond Enquirer.

Brown made his raid in Virginia, and instantly all was changed. The missionaries and their workers were anti-slavery people, and in the eyes of the slave-holders of the neighborhood were now dangerous persons and must leave. A mass meeting was accordingly held in the court house in the town of Richmond and a committee appointed to notify J. G. Fee and J. A. Rogers, leaders in the Berean movement, and such others as the committee thought fit, to leave at once. Those notified appealed to Governor Magoffin, but he told them no protection could be given and advised them to go. Late in December, therefore, thirty-six exiles from Kentucky, stripped of their property and means of livelihood, arrived in Cincinnati.*

A few days later a band of negro exiles came from Arkansas. At a recent session the legislature of that State enacted a law which gave free negroes a choice of becoming slaves or leaving the State before the first of January, 1860. Because of the John Brown raid it was vigorously enforced, and scores of free negroes fled to Kansas. Many, too ignorant to know what to do, remained and accepted slavery; others started for the North, crowding every boat that went up the Mississippi River. One party numbering forty, mostly women and children, reached Cincinnati early in January, and was met by a committee from the free negroes in the city and cared for till work could be obtained.†

Tennessee declared "the recent outbreak at Harper's Ferry" was "the natural fruit of this treasonable irrepressible conflict doctrine put forth by the great head of the Black Republican party and echoed by his subordinates," and that it was the duty of men of all parties to express their sense of its infamy, unite in crushing its authors as traitors to their country and deadly enemies to public peace, the rights of the States and the preservation of Republican institutions, and the representatives of Tennessee in Con-

* Cincinnati Commercial, December 31, 1859; Cincinnati Gazette, January 3, 1860, in which Mr. Boughton, one of the exiles, describes the condition in Berea when the missionaries went there, and the effect of the Brown raid on public opinion.

† Cincinnati Gazette, January 4, 1860.

gress were charged to look on all who in any way affiliated with Black Republicans as enemies, and were told that any action on their part tending to elect a Black Republican Speaker would be an insult to their constituents.*

Florida resolved that the election of a Republican President committed to interference with slavery in the States would be sufficient warrant for leaving the Union.† South Carolina gave it as her deliberate opinion that the slave-holding States should immediately meet and take measures for united action, bade the Governor appoint a special commissioner to make known this resolution to Virginia and express the sympathy of the people of South Carolina for the people of Virginia, and voted one hundred thousand dollars for military purposes.‡ Mississippi accepted the invitation, proposed that delegates from the slave States meet at Atlanta on the first Monday in June,§ and sent a commissioner to Virginia to express the readiness of Mississippi to join with her in repelling any invasion of her soil or her rights. Alabama soon followed, with the assurance that she fully "concurred in affirming the right of any State to secede from the Confederacy." Should a convention of slave-holding States be held, Alabama was to be represented. Should a Republican President be elected a State convention was to be called, for never would she "submit to the foul dominion of a sectional Northern party." ¶

Among the people in the South the excitement took many forms of expression. The favorite cry was, "Don't trade with the North," and measures were taken to carry out the idea. Meetings to adopt non-intercourse between Virginia and the North were held in many places. Citizens of Westmoreland County decided not to travel or visit in

* Public Acts of Tennessee, 1859-1860, pp. 653-656, passed December 2, 1859.

† New York Tribune, January 12, 1860.

‡ December 22, 1859. Reports and Resolutions of the General Assembly of South Carolina, 1859, pp. 578-579; Ames State Documents on Federal Relations, No. 6, pp. 69-70.

§ Laws of Mississippi, 1860, p. 566, February 10, 1860.

¶ Acts of Alabama, 1859-60, pp. 685-687. Mississippi appropriated $150,000 and Alabama $200,000 for military "contingencies."

the North, not to trade with merchants in non-slave-holding States, employ no laborers, no mechanics from the North, and arrest and send out of the State all itinerant venders of Northern books, newspapers, periodicals, and all persons suspected of anti-slavery opinions.*

In Berkeley and other counties young women and young men agreed to wear home-made clothes and no other; in Alexandria it was proposed to open a direct trade with Europe, and it was said that a hundred and fifty thousand dollars were raised to buy a ship to open trade between Liverpool and Richmond.† Thirty-two agents of New York and Boston houses came to Washington, one day early in December, and reported that in the South the feeling of indignation against the North was so strong that they had been forced to abandon their business. Eleven others reported that while on their way South they were met at a railroad station in Virginia and turned back by a Vigilance Committee.‡ Southern students at the medical school of the University of Pennsylvania and the Jefferson Medical College met, resolved to go South in a body, and telegraphed to the Medical College at Richmond asking if they would be received. Governor Wise replied that the city would welcome them with open arms, the president of the Baltimore and Ohio Railroad offered free transportation, and from the Medical College came the assurance that they would be received and no fee charged save that required for graduation.§ On the night of December twenty-first, accordingly, one hundred and sixty students escorted by some six hundred others marched to the train and, with cheers for Governor Wise, Virginia, and the Union, set off for Richmond.¶ There they were met by the faculty and students of the college, the Governor's Guard, and a great crowd of citizens and escorted to the Governor's house, where he made them an address of welcome.‖ One hundred and

* New York Tribune, December 10, 1859.
† Ibid., December 15, 1859.
‡ Ibid., December 10, 1859.
§ Philadelphia Press, December 20, 1859.
¶ Ibid., December 22, 1859.
‖ Ibid., December 23, 1859.

fifty-nine students, said the Richmond *Whig,* driven by the fanaticism of the North from their studies in Philadelphia, will continue them in the Medical College in this city. This will be the beginning of its prosperity, and the future will find Southern students coming to Richmond and spending here the hundreds of thousands of dollars which have heretofore gone to swell the fortunes of the people of Philadelphia.* The *Enquirer* described them as a band of the truest Southerners that had "yet appeared on this present revolutionary stage," as youths who had cut loose from those who encouraged rebellion against their native States and treason against their common country, "resolving no longer to encourage by their patriotism that section which harbors such incendiaries as Phillips, Passmore Williamson, and Giddings." † The *Press* defended Philadelphia as a South-loving city, and knew that the departure of the Southern students would give pain to every one of her citizens who loved the Union.‡

Union-saving meetings now became common in Northern cities. That at Philadelphia pledged support to the Union and the Constitution, denounced fanaticism, expressed sympathy for Virginia, approved the execution of Brown, and opposed all meddling with slavery.§ That at New York was called "to unite the friends of this Union as it is and of the Constitution as interpreted by the Supreme Court, in a general movement of conciliation toward the South." ¶ That at Boston denounced Brown's invasion and expressed devotion to the Union.‖

In the lower South the feeling against the North was well shown by an Atlanta newspaper, which published "A Black list of Republican Houses" in New York City. If we know, said the editor, of any merchant receiving goods without the stencil mark of the house from which he buys we shall announce the trick and the merchants. Houses

* Richmond Whig, December 22, 1859.
† Richmond Enquirer, December 22, 1859.
‡ Philadelphia Press, December 24, 1859.
§ New York Tribune, December 8, 1859.
¶ Ibid., December 16, 1859.
‖ Ibid., December 9, 1859.

named in the black list, we know, are steeped in Sewardism, Brownism, Greeleyism, Helperism, incendiarism.*

A meeting in Savannah resolved that, if Seward or any other Republican who endorsed Helper's book were elected President, it would be a just cause for the dissolution of the Union.† Two school teachers from the North living in the Williamsburg District, South Carolina, were ordered by a public meeting to leave, and a Cincinnati publication, "The World We Live In," was thrown out of the mail at Nashville by the postmaster.‡ A traveling agent for the North American Nurseries of Rochester was forced to leave the Kanawha Valley, where he was soliciting orders.§ The Governor of Louisiana in his message asked that the State meet her sisters of the South in convention if certain contingencies arose, favored retaliation for the hostility of the North, and suggested licenses for the sale of Northern goods and discrimination amounting to prohibition. The legislature resolved that the foray at Harper's Ferry was an attack on the rights of the South, and that the election of a Northern President would cause a dissolution of the Union.¶ Mr. Memminger, having been appointed commissioner from South Carolina to Virginia, went to Richmond, and was escorted to the capital by troops. He spoke for two hours, described the Northern invasion of Southern rights, and the rise and spread of Abolitionism, drew a dreary picture of present relations between the two sections, and urged a Southern convention to decide what should be done.‖

It was then late in January, and by that time the struggle in the House was nearing the end. On the thirtieth Sherman withdrew and William Pennington of New Jersey became the Republican candidate. February first he was elected by a bare majority, and as the news spread

* Daily Southern Confederacy, quoted by New York Tribune, January 23, 1860.

† New York Tribune, January 27, 1860.

‡ Ibid., January 27, 1860.

§ Ibid., January 27, 1860.

¶ Ibid., January 20, 1860.

‖ Ibid., January 25, 1860.

over the North and West the victory was celebrated in scores of cities and towns by salutes of one hundred and seventeen guns.*

While the House was engaged with its wrangle over the election of a Speaker, threats of disunion were often made in the Senate. Scarcely had it been called to order on the opening day of the session when Senator Mason moved for a committee to inquire into the facts attending the Harper's Ferry invasion, whether any citizens not present were implicated by contributions of money, arms, or otherwise, and to report what legislation, if any, was necessary for the future preservation of the peace of the country and the safety of government property. Trumbull of Illinois at once reminded the Senate that in December, 1855, citizens of Missouri had robbed the arsenal at Liberty and used the arms, then taken, on a raid into Kansas, and offered an amendment providing for the investigation of this proceeding. A bitter debate followed before the amendment was defeated and Mason's resolution unanimously carried. In the course of it Iverson of Georgia told the Senate he was sure the irrepressible conflict must go on till it ended with the extinction of slavery in the Union. It was his intention, therefore, to urge the Southern States to dissolve the Union on the election of a Black Republican President by a sectional Northern party on a platform of opposition and hostility to Southern slavery.† Clay of Alabama assured the Republicans that his State and all the other Southern States, with two or three exceptions, would never submit to the government of a President professing the Black Republican faith and elected by a sectional majority.‡ Gwin of California then rose and said the South must prepare for resistance should a Republican President be elected; showed how by seizing federal property within her limits before he was inaugurated she could make it impossible for him to administer government in the South, and declared that the election of a Republican President would surely be followed by the

* New York Tribune, January 25, 1860.
† Congressional Globe, 36th Congress, 1st Session, Part I, p. 573.
‡ Ibid., p. 124.

destruction of the Confederacy.* Clingman of North Carolina said that there were then hundreds of disunionists in the South where ten years before there had been but one, that in some States those who would willingly see the Union dissolved were in the majority, and that he believed the election of the Black Republican candidate for the presidency would give them sufficient cause to dissolve it.†

The contest for the speakership having ended, public interest in the proceedings in Congress went down rapidly. The annual message had been read to the Senate early in December. The country, therefore, had long been aware of its contents. The President began by referring to the recent sad and bloody occurrences at Harper's Ferry, implored his "countrymen North and South to cultivate the ancient feelings of forbearance and good-will," begged them "to allay the demon spirit of sectional hatred and strife" alive in the land; congratulated them that the Supreme Court had finally settled the issue of slavery in the territories; condemned the attempts to reopen the African slave trade; again invited Congress to acquire Cuba by purchase; and asked its earnest attention to the state of affairs in Mexico.

At a popular election in July, 1857, General Comonfort was chosen President of Mexico, and took the oath of office in December; but in less than a month was driven from the capital and General Zuloaga declared President by the insurgents. Under the Constitution, when the President was absent, the office passed to the Chief Justice of the Supreme Court. Comonfort was absent, he had fled the country, and because of this the chief justice, General Juarez, formed a cabinet and established a constitutional government at Vera Cruz. An assembly of citizens, called by those hostile to both leaders, elected General Miramon. He refused to serve; but Zuloaga soon retired and Miramon became "President substitute." To open relations with Miramon was impossible. That it was wise to do so with Juarez was doubtful, and to remove all doubt an agent was sent to Mexico early in 1859 to report on the actual conditions and prospects of

* Congressional Globe, 36th Congress, 1st Session, Part 1, pp. 125-126.
† Ibid.

the two parties. So favorable an account was given of the Constitutional party that Mr. Robert McLane was appointed minister and given authority to recognize the government of Juarez if, on reaching Mexico, it seemed entitled to recognition. McLane had no hesitation in declaring the Juarez government the only real one in Mexico, presented his credentials, and was received with every manifestation of friendly feeling toward our country. Scarcely had he been received when three American physicians, while attending the sick and dying of both parties in the hospital at Tacubaya, were seized and, without cause and without trial, were quickly executed by order of General Marquez of the Miramon government. Later in the year an American citizen was shot at Tepic by order of the same general without trial and without cause of offence.

A government either unable or unwilling to redress such wrongs, Buchanan said, was "derelict to its highest duties." To ask the government at Vera Cruz for redress was useless, for its authority did not extend to the interior of Mexico, where the recent outrages had been committed. Therefore he asked for authority to send troops into Mexico to obtain indemnity for the past and security for the future, a request to which Congress made no response.

What were the instructions to McLane is not known, but in December, 1859, he concluded a "treaty of transits and commerce," and a "convention to enforce treaty stipulations" which the President sent to the Senate early in January, 1860.* By the treaty the United States was granted transit rights in perpetuity over four routes. These were the right of way across the Isthmus of Tehuantepec, from sea to sea, by any kind of road, for foreign goods and mails free of duty and charges; the right to move troops, stores and war material across the Isthmus of Tehuantepec and from Guaymas on the Gulf of Mexico to some point on the international boundary near the one hundred and eleventh meridian; the right of way over any route or railway from Camargo and Matamoras, or any point on the Rio Grande in the Mexican

* Richardson's Messages and Papers of the Presidents, Vol. 5, p. 578.

State of Tamaulipas, by way of Monterey to Mazatlan on the Gulf of California; and the right of way over any route of transit from Rancho de Nogales, or any point on the boundary near the one hundred and eleventh meridian to the Gulf of California in the Mexican State of Sonora.

For these rights the United States was to pay Mexico two million dollars when ratifications of the treaty were exchanged, and use two millions more in payment of claims of American citizens against Mexico. Persons and property passing over any of the routes were to be protected by Mexico. Should she fail to do so the United States, at the request or with the consent of Mexico, or the local authorities, might use such troops as were necessary for protection, and when no longer needed withdraw them. When danger to the property and lives of American citizens was immediate, the United States might use troops without consent first obtained.*

By the convention, if the safety and security of citizens of either republic were endangered in the territory of the other, it was made obligatory on that government to seek aid of the other, and the cost of intervention was to be borne by the government whose territory was entered.

Opposition began at once. Scarcely had the treaty been concluded by McLane when a protest against ratification was sent off by Miramon's Minister of Foreign Relations.† It would, he asserted, distract the country, prolong the war, add new embarrassment to the government whose aim was peace, and was not valid. By the Constitution of Mexico power to approve treaties and diplomatic conventions was given to Congress. The government at Vera Cruz had, therefore, assumed prerogatives it could not have even if it were the real government of Mexico. On the day the treaty reached the Senate a member of that body, while attacking the policy set forth in the annual message, advised the President to put his own house in order before meddling with that of a neighbor.

* The treaty is published in the New York Times and copied by the National Intelligencer, February 18, 1860.

† The Protest is dated December 17, 1859, and is given in full in the National Intelligencer, January 16, 1860.

In parts of our own country outrages had been done on persons and property as shameful as any perpetrated by order of Miramon. The disorders in Utah were as bad as those in Mexico. Citizens had been maltreated and property destroyed because of sentiments obnoxious to public opinion in particular sections. Wrong had been done to Indians in Texas, a price had been set on the heads of men in distinguished positions, representatives of sovereign States, and it was not uncommon to hear that, if a Republican President were elected, the government would be overthrown.* What power has Juarez, a Boston journal asked, to execute any treaty he may sign? None whatever. He is a mere fugitive pretender to the Presidency, shut up in Vera Cruz. He has no Congress to confirm a treaty, no authority to execute it. What can he give us for four or five millions? Territory? He dare not cede a foot of it. He is willing to cede the right of way here and there, but he cannot maintain safe transit. Neither can Miramon, nor could any government that has ever been in Mexico since her separation from Spain.† Another editor was at a loss to know whether the recommendation of the President that we enter Mexico and take sides with one of the warring factions unable, for want of proper support, to establish itself, was more opposed to the general principles of public law, or the American theory of government.‡ A western journal was sure that men of sense must see that we could no longer refrain from taking an active part in Mexican affairs. The inability of the Mexicans to govern themselves had ceased to be questionable. The interests of the civilized world, Mexico, and the United States, would be infinitely benefited should we set up a bold, determined protectorate over our neighbor.§

And now came news from Mexico which startled our countrymen, and aroused the attention of old world powers. Late in February Miramon laid siege to Vera Cruz and one

* National Intelligencer, January 5, 1860.

† Boston Courier quoted by the National Intelligencer, February 10, 1860.

‡ National Intelligencer, January 10, 1860.

§ Chicago Herald, March 10, 1860.

day in March two steamers showing no colors passed the Castle of San Juan d'Ulloa, and ran down the coast. A gun was fired from the Castle as a signal to make known their nationality. But the strangers paid no heed, steamed on, and anchored off the port of Anton Lizardo. Captain Jarvis, in command of the American ships stationed off the Castle, ordered the *Saratoga* to follow, and about eight that evening she set off, towed by the *Wave* and accompanied by the *Indianola,* both in the service of Juarez, and toward midnight, when nearly off Anton Lizardo, came upon the two steamers at anchor. One slipped her cable and was making off when a shot passed across her bow. She in turn opened on the *Indianola,* and was fired on by the *Saratoga.* Casting off the *Wave* with orders to go in pursuit the *Saratoga* then attacked the larger of the two steamers which surrendered. The *Wave,* an American owned steam tug, and the *Indianola,* meantime, ran the chase aground and after twenty minutes of sharp fighting she was boarded and captured.* The prizes proved to be the *Marquez de Habana* and the *General Miramon,* both under command of General Tomas Morin, and with their crews were taken to New Orleans.† There the ships were held as prizes and the officers and crews sent to the parish jail, from which General Morin protested against the action of the *Saratoga,* his capture, the seizure of his vessels, the slaughter of his men and his imprisonment as a common felon.‡ From Miramon, also, came a protest in which he described the conduct of Captain Jarvis as a direct attack on the independence of Mexico, a violation of the sacred right of sovereignty, an act so scandalous, so piratical, that it would bring down on the two countries most lamentable consequences, were it possible to believe Captain Jarvis acted under orders. He was sure the Captain's deeds would be disavowed, Morin set at liberty and the ships restored.

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* National Intelligencer, March 22; New Orleans Picaqurue, March 21; Report of Captain Turner to Captain Jarvis sent to the House of Representatives, March 29, by Buchanan; letter of G. A. Russel in New York Express quoted by National Intelligencer, April 2, 1860.

† New Orleans Delta, March 27, 1860.

‡ National Intelligencer, April 5, 1860.

If not he must denounce them as piratical acts and a declaration of war on Mexico.*

The press of the country was divided in opinion. One journal thought the seizure right, eminently right, and was sure it would meet with the approbation of the American people.† Another held it was a serious affair. Refusal to show colors was a breach of courtesy of the sea, a piece of insolence which should have been called to account on the spot. But the offenders were suffered to go on and the American ship had no right to follow, no right to associate with the two vessels chartered by Juarez. The truth was Buchanan longed to interfere in the broils in Mexico. Congress had been persistently pressed by him for leave to seize two northern provinces, to march an army over the frontier, to blockade the coast, and now Jarvis had come to his relief.‡ Still another thought Mexico could not do less than declare war, for our naval forces were as much at war with her as the troops of Juarez.§ So long, said a fourth, as the rule requiring all ships to show their colors is in force it would be hard to justify Miramon or condemn our naval force.¶ What business had an American war ship to force them to show colors? They were in a Mexican harbor and the American vessel had no authority to assume the sovereignty of Mexico. Is not this war on a nation with whom we are at peace? Is it a Union move, and is the country to be involved in war that its attention may be turned from the settlement of domestic issues of vital importance to the South?‖ It is a serious affair, said a Cuban journal. The American ships did an act of war which put their government in a state of war with Mexico. By their hostile act, by intervening in favor of the Vera Cruz government, they did an outrage against nations at amity with Mexico.**

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* Published by request in the National Intelligencer, April 23, 1860.

† Philadelphia Evening Journal, March 23, 1860.

‡ New York Evening Post, March 23, 1860.

§ Philadelphia North American.

¶ New York Journal of Commerce, March 23, 1860.

‖ Charleston Mercury, March 22, 1860.

** Diario de la Marina, March 25, 1860, quoted by the New York Journal of Commerce, March 31, 1860. The *General Miramon* and the

To Spain the McLane-Juarez treaty gave serious alarm and made her more persistent than ever in the attempt to persuade Great Britain and France to intervene, put down Juarez and support Miramon. No people, said the Spanish Minister of State, and Spain least of all, could consent to the absorption, or protectorate, or exclusive preponderance "of any nation whatever over the vast and rich continent discovered and civilized by our ancestors."* To the Spanish ambassador at London, the same Minister of State pointed out that the McLane treaty, if ratified, would affect commercial interests of all nations because the transit routes would be held by a people who preached "the political and commercial exclusion of Europeans from America."† When the French Minister of Foreign Affairs was urged by the Spanish ambassador to intervene, he declined to do so till the McLane-Juarez treaty had been ratified by the Senate.‡ May thirty-first the Senate resolved not to advise and consent to its ratification.§ Late in June it was agreed to reconsider this vote; but consideration was put off till the first Monday in December and with this all action on it ended.

By May public interest in Juarez and Miramon and Mexico had waned. The campaign was under way and the doings of the National nominating conventions were the chief concern of the people.

Early in December the National Executive Democratic Committee sitting in Washington selected Charleston as the place and April twenty-third as the day for the meeting of their convention.¶ Two weeks later the National Committee

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Marquez de Habana were liable as prizes in the United States Court of New Orleans, but the court held there was no war with Mexico and the ships were released.

* Calderon Collantes to M. Mon, April 18, 1860. Archives Diplomatiques, Tome III, 1862, p. 212; cited by H. L. Wilson. Buchanan's Proposed Intervention in Mexico, American Historical Review, July, 1900, p. 700.

† Calderon Collantes to the Spanish ambassador at London, May 11, 1860. Ibid.

‡ Wilson. Buchanan's Proposed Intervention in Mexico, American Historical Review, July 1900, p. 701.

§ Executive Journal of the United States Senate, Vol. 11, p. 199.

¶ New York Tribune, December 8, 1859.

of the Republicans summoned the delegates to their National Convention to assemble at Chicago on the thirteenth of June.* On December twenty-third delegates of the Union party resolved that their chairman, acting with those of the National Central American and the Whig and National Committee, call a convention of the National Union party at such time and place as they thought proper.†

That Douglas was sure to be the choice of Northern Democrats, that he would be opposed by the extreme Southern wing, that the struggle in the convention would be bitter and might rend the party in twain, was generally admitted. What would be his platform had already been announced in his letter of the previous July, and in the course of a debate in which his Freeport doctrine was attacked by Clay of Alabama and Davis of Mississippi. He was not, he said, seeking a nomination, but would take it provided he could stand on principles he believed to be sound. Should a platform be made which, if elected, he could not conscientiously carry out he would not be a candidate. He would not be elected on a platform and immediately kick it over. His principles were known, and he believed two-thirds of the Democrats were with him. Davis thereupon reminded him that electoral votes, not popular majorities, made Presidents, and that from this point of view the Southern States rose to an importance not measured by the numerical standard.‡

That the principles of the Southern States might be known Davis now introduced a set of resolutions intended to serve as a platform. They were six in number; but the most important was the fourth, which declared that neither Congress nor a territorial legislature by direct, indirect, or unfriendly legislation could annul or impair the Constitutional right of any citizen to take slaves into the common Territories; and that it was the duty of the federal government there to afford protection to slave as to other property.

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* New York Tribune, December 22, 1859.

† Ibid., December 24, 1859.

‡ January 12, 1860, Congressional Globe, 36th Congress, 1st Session, Part 1, pp. 424, 426.

That Seward would be the choice of the Republican convention was fully expected by the Senate, by the great mass of Republicans in the East, and by himself. That under these circumstances he should speak out was quite necessary, and late in February he did so in a speech most carefully written. He had introduced a bill to admit Kansas under the Wyandotte constitution, and on the day whereon he was to speak in her behalf a great crowd gathered to hear him. The place was the new Senate chamber. Early in January the Senate with some little ceremony took leave of that hall where during forty years its sessions had been held, a hall made historic by great events and great men, and entered that which has ever since been its abode. When in 1819 the Senate moved from its quarters in the old City Hall to its room in the rebuilt Capitol, the question before it and the country was, shall Missouri enter the Union as a free or a slave State? It is interesting to note that, though two score years had since passed away and most of the actors in the Missouri Compromise had died, the issue then raised had lived, and the first great speech in the new chamber was that by Seward on th question, shall Kansas enter the Union as a slave or a free State?

Never since the days of the compromise of 1850 had such a throng of people come to hear a speech. Almost every Senator was in his seat. Members of the House came over in such numbers that Mr. Reagan was left to speak to almost empty benches. Men of note occupied the reserved seats in and around the chamber; the Diplomatic Corps was well represented; the galleries were packed, and a solid mass of men and women filled the lobby, the broad stairway, and the passage leading from it to the door of the Senate room. Seward was no orator. His voice, according to one who heard him that day, was husky, his gestures angular, his positions stiff, and his manner dry and didactic; yet for two hours he held, unbroken, the attention of an audience one-half of which was standing.*

The purpose of the Republicans, he said, was to save the Territories by constitutional and lawful means from be-

* New York Tribune, March 2, 1860.

coming the home of slavery and polygamy. But in this attempt it was met by a new issue, by menaces of disunion, louder, more emphatic, more distinct than ever before, and with the threat that if a Republican President, though lawfully elected, should attempt to assume the administration of the government disunion would that moment take place. What were the excuses for these menaces? That the Republican party was hostile to the South, would force negro equality on the people of the South, and was a sectional party. Seward answered each and asked, Is the Democratic party less sectional than the Republican? Is it any easier for us to bear your sectional sway than for you to bear ours? True, the menaces of disunion were not made in the name of the Democratic party; but they were uttered in its behalf and must be avowed or disavowed. He did not believe it would stand on disunion ground though it did, by the acts of its representatives, seem to sustain those who threatened disunion.

When Seward had finished speaking Jefferson Davis explained what was meant by the threats of disunion. To ask, he said, that we should sit still under a Republican party government is much the same as asking us to sit in this chamber while we know that some one is destroying the foundations on which it rests. Do we not know that the Senator and those with whom he co-operates are assailing our Constitutional rights? If, instead of sitting here to admire the panels and the pilasters and the decoration of the ceiling, one of us, aware that the foundation was being undermined, should walk out of the Chamber, would you arraign him for seeking to destroy the building, or would you level your charges against the sappers and miners at work on the foundations? Who has been more industrious, patient, skillful as a miner and sapper of the foundations of the Constitution than the Senator himself? *

Feeling as the session ran on grew bitter. "I suppose," wrote Senator Hammond, "there will be no crisis here this season. We have perhaps tided over that just now. But,

* Congressional Globe, 36th Congress, 1st Session, Part 1, p. 917.

as everybody has a revolver and the South does not intend again to be surprised into hearing another Lovejoy speech, a general fight in one or the other House with great slaughter is always on the *tapis* and may occur any day. . . . There are no relations not absolutely indispensable for the conduct of joint business between the North and South in either House. No two nations on earth are or ever were more distinctly separate and hostile than we are." *

When Seward made his speech it seemed almost certain that he would be the candidate of his party. But two days before he spoke the man who became the choice of the Republicans addressed a meeting in Cooper Institute, New York. Wrong, he said toward the close of his speech, as we think slavery is, we can afford to let it alone where it is because this much is due the necessity arising from its actual presence in the nation. But can we, while our votes will prevent it, allow it to spread into the Northwest Territories and overrun us here in the free States?

For some time past the Republican National Committee had been strongly urged to change the date of meeting of the party convention. June thirteenth was too long after that fixed for the Democratic Convention, and two good months would be wasted. The committee felt this to be true and moved the date forward to the sixteenth of May.† Meantime a demand was made by the friends of Douglas that the place of meeting of the Democratic Convention should be changed to a Northern city. Charleston had been selected before Douglas stated his Freeport doctrine. That doctrine had ruined his chances in the South, and protests against going there and appeals asking that some other city be chosen came pouring in on the National Committee. Charleston could neither accommodate nor feed the thousands who wished to attend; the price of board and lodging was extortionate, and the city too far South. Moved by

* J. H. Hammond to Major M. C. M. Hammond, April 22, 1860. Hammond MSS., Library of Congress.

† New York Tribune, February 29, 1860.

these appeals the committee visited Baltimore, inquired of the hotel keepers what terms they would offer, and then announced that after due consideration it seemed inexpedient to change the place of meeting.*

When news of the plan to hold the meeting in Baltimore reached Charleston no little excitement was created. Arrangements under way were stopped at once, and the plan denounced as a Douglas scheme. The six hundred and fifty delegates, said the *Mercury,* will be well cared for; but the myriad hangers-on who are not to be admitted to the floor of the convention must take their chances for food and lodging.† The meeting, said the *News,* is looked on with indifference, is regarded as an attempt to enlist our people and build up a spoils party in the State. It was absurd, therefore, to expect unbounded hospitality to be lavished on the convention or its Plug-Ugly bullies and camp followers who, from the galleries, would overawe the body. The idea was a piece of Yankee insolence. If the outside mob could be cut off, old stagers at conventions would find the Charleston convention the most comfortable they had ever attended. But for outsiders and blackguards no accommodations, save an increased police force, would be made.‡ The *Courier* explained that landlords had promised not to charge delegates more than five dollars a day for board and a room; but did not consider themselves bound to do the same for outsiders not officially connected with the convention.§ They were not wanted. On the opening day the *Courier* was glad to note the slim attendance of outsiders. Not fifteen hundred had come. Precautions taken by the leading landlords to prevent a surfeit of visitors had been most successful.¶ They deserved great credit for reducing the convention to a reasonable size. At one time it seemed likely Charleston would be overrun by a vast, promiscuous multitude of shoulder-hitters. Nothing but the timely action of inn-keepers in raising the price of board to five dol-

* New York Tribune, March 17, 26; April 6, 1860.
† Charleston Mercury, March 16, 1860.
‡ Charleston News, quoted by New York Tribune, March 30, 1860.
§ Charleston Courier, March 15, 1860.
¶ Ibid., April 23, 1860.

lars a day had saved Charleston from an invasion worse than that of the Goths and Vandals.*

With all signs pointing to a rupture, the delegates gathered in Institute Hall at noon on Monday, the twenty-third of April. The first and second days were taken up with matters of organization and in preparing for the struggle over the platform. The committee having it in charge was composed of a member from each of the three and thirty States. Seventeen were from States opposed to Douglas, and that they would report a platform embodying the resolutions offered in the Senate by Jefferson Davis was certain. The South insisted that it should be one expressly and clearly declaring for the protection of slave property in the Territories, and emphatically repudiating the Douglas doctrine of Squatter Sovereignty. On such a one he could not and would not stand. His friends, who claimed a majority of the votes, though not a majority of the States, insisted not only that he should be the candidate, but that he should stand on a Squatter Sovereignty platform.

Nobody was surprised, therefore, when on the morning of the fifth day the Committee on Resolutions presented two reports. That from the majority affirmed the Cincinnati platform of 1856 and added five planks. The first set forth that the Democratic party held the "cardinal principles" on the subject of slavery in the Territories to be that Congress had no power to abolish slavery in the Territories; that a territorial legislature had no power to abolish slavery in any Territory, nor prohibit the introduction of slaves, nor exclude slavery therefrom, nor any right to destroy or impair the right of property in slaves by any legislation whatever. The second denounced personal liberty laws as hostile to the South, subversive of the Constitution, and revolutionary in their effect. The third asserted that the federal government was bound to protect the rights of persons and property on the high seas, in the Territories, and wherever else its authority extended. The fourth maintained that it was the duty of the government to protect the

* Charleston Courier, April 26, 1860.

naturalized citizen in all his rights, at home and abroad, as it did those of native-born citizens. The fifth recommended the acquisition of Cuba, and pledged the party to the passage of a bill for the construction of a Pacific railroad from the Mississippi River to the Pacific Ocean.

The minority report favored protection to all citizens at home or abroad, foreign or native born; a railroad to the Pacific; acquisition of Cuba; and denounced the personal liberty laws in the language of the majority. But it differed from the majority report in that the first resolution, after affirming the Cincinnati platform of 1856, asserted that all questions concerning rights of property in States and Territories, arising under the Constitution of the United States, were judicial in character and pledged the party to abide by and faithfully carry out such decisions of these questions as had been, or might be, made by the Supreme Court of the United States.

Benjamin F. Butler of Massachusetts offered a report as a substitute for that of the minority. This, too, affirmed the Cincinnati platform of 1856, and added that it was the duty of the government to extend its protection over all its citizens, whether native or naturalized.

At the afternoon session Bayard of Delaware offered some resolutions. The first affirmed the Cincinnati platform. The second declared territorial governments were temporary and provisional, and during their existence all citizens of the United States had a right to settle in the Territories without their rights of person or property being destroyed or impaired by congressional or territorial legislation. The next related to the protection of persons and property on the high seas, in the Territories, and wherever else the authority of the government extended. The third set forth that when the settlers in a Territory were sufficient in number to form a Constitution the right of sovereignty began, and, being consummated by their admission into the Union, they stood on an equal footing with the citizens of other States, and that a State thus organized should be admitted into the Union with or without slavery.

More speeches followed, and when a delegate called the

previous question the convention went wild with excitement. Members screamed and shouted and stood upon their chairs gesticulating furiously. The President lost control, and in desperation pretended to hear a motion to adjourn and it was carried.

On the sixth day Bigler of Pennsylvania moved that the reports of the majority and minority be recommitted with instructions to the committee to report within an hour a platform which he submitted. The proposition to instruct was defeated; but the reports with Bigler's resolutions were recommitted, and in the afternoon, somewhat modified, were reported back. No vote was taken that day, which was Saturday, and late at night the convention adjourned to Monday.

When it met again the resolutions of Butler were rejected, the platform of the minority was accepted as a substitute for that of the majority, and then voted on plank by plank. All were carried save that which declared that, inasmuch as differences of opinion existed in the party as to the extent and nature of the powers of a territorial legislature and of Congress over slavery in the Territories, the party would abide by the decision of the Supreme Court on questions of constitutional law. This was rejected almost unanimously, the States from Georgia to Texas refusing to vote.

And now the long expected, oft predicted rupture came. A member from Alabama rose, read a protest from his State, and her delegates withdrew. One by one the chairmen of the delegations from Mississippi, Louisiana, South Carolina, Florida, Texas, and Arkansas rose, made little speeches, and announced the withdrawal of all or most of the members of their delegations, and Georgia asked leave to retire and consult. Two delegates from Louisiana, three from South Carolina, and three from Arkansas remained. Bayard of Delaware and one of his colleagues left; a delegate from Virginia made a speech, and the seventh day of the convention ended.

That night the Seceders and their friends held a jubilee, heard speeches by Yancey and Lamar, and marched

about the streets with a band. On the morrow twenty-four of the thirty-four Georgia delegates withdrew, whereupon the President decided that those remaining could not cast the vote of the State, and the convention sustained the decision. Balloting for a candidate, however, did not begin till late in the afternoon, when fifty-seven ballots were taken. On thirty Douglas secured one hundred and fifty-one and a half. Never was he given more than one hundred and fifty-two and a half, and only once as few as one hundred and forty-nine and a half. On the tenth day, the third of May, the convention adjourned to meet at Baltimore on the eighteenth of June.

On the evening of April thirtieth the seceding, or, as they preferred to call themselves, the retiring, members of the National Convention met at St. Andrew's Hall, put John S. Preston of South Carolina in the chair, elected secretaries, and were advised by Yancey to wait and see what the national convention did. If, he said, Stephen A. Douglas were nominated, it would be their duty to name a candidate on a fair, just, constitutional Southern platform. At noon the next day the Seceders met at South Carolina Hall, elected James A. Bayard President, and called themselves the Constitutional Democracy. May second the platform was adopted, and the rest of the session devoted to speeches. May third the convention assembled in the theater with the stage scene, the Palace of the Borgia, set, which gave the proceedings, in the opinions of some of the audience, much the appearance of a play. Bayard now left the Seceders, who, after deciding not to address the People of the United States, adjourned to the evening, when a resolution was adopted inviting that part of the Democracy which favored the platform to send delegates to a convention to be held in Richmond on the second Monday in June.

Ere a week passed some two hundred and fifty members of the Constitutional Union party, representing twenty-one States, assembled in Baltimore to choose their candidates for President and Vice-President. "Silver Greys," Old-line Whigs, Americans, or young men who had been reared in the faith of their fathers, eminently respectable in poli-

tics, they represented the conservative Union-saving element of the North. After a session spread over three days the convention nominated John Bell of Tennessee and Edward Everett of Massachusetts. All present were opposed to platforms in general and to any for their party in particular. When, therefore, the Committee on Resolutions reported, it offered a resolution declaring that experience had shown that platforms adopted by partisan conventions served but to mislead and deceive the people and widen political divisions by creating sectional and geographical parties. Therefore, it was the part of patriotism and duty to know no political principles save "The Constitution of the Country, the Union of the States, and the Enforcement of the Laws."

The Republican convention was to meet at Chicago on the sixteenth of May, but delegates began to arrive and headquarters were opened some days before that date. Who would be the nominee was the one topic of their conversation. Men from New York were sure he would be Seward. Delegates from Indiana declared his nomination would, in their State, send forty thousand votes to Bell; those from Illinois were bitter against him, and those from Pennsylvania and New Jersey protested that he could not carry their States. Horace Greeley, who came as a delegate from Oregon, wrote home that the order of preference was Seward, Bates of Missouri, Chase, Cameron of Pennsylvania, and Lincoln, urged by Illinois as a compromise.* Attempts were made to unite the opposition to Seward on Bates; but Lincoln gained so rapidly that before the convention opened he became the strongest opponent of Seward in the field. Never had the city seen such a throng as had gathered by the evening of the day before the convention was to open. Some said thirty thousand, some forty thousand strangers were in town. Those who witnessed the scenes described the crowd as prodigious, as mighty and overwhelming, and the press about the hotels and in them as crushing. Seward had, it was said, a thousand followers, each with a long

* New York Tribune, May 14, 1860.

silk badge adorned with a portrait of "Old Irrepressible," and a gorgeously uniformed band behind which they marched each day to the place of meeting. This was the Wigwam, a huge board structure put up for the use of the convention by the Republicans of Chicago, and containing ten thousand seats.

Thither on the morning of the sixteenth went the crowd to fill the seats and stand by thousands in the street before the building. David Wilmot was made temporary chairman, and at the afternoon session George Ashmun was made president and a Committee on Resolutions chosen.

The platform was long. It declared for a railroad to the Pacific; appropriations by Congress for river and harbor improvements; a homestead act; no change in the naturalization laws; a protective tariff; immediate admission of Kansas under the Wyandotte constitution; denounced Popular Sovereignty as a fraud; branded the recent reopening of the African slave trade as a crime against humanity; denied the authority of Congress, a Territory, or any individual to give legal existence to slavery in any Territory. The principles of the Declaration of Independence that all men are created equal, have an inalienable right to life, liberty, and pursuit of happiness, and that all governments derive their just powers from the consent of the governed, were affirmed; disunion was "held in abhorrence"; the lawless invasion by armed forces of the soil of any State or Territory, no matter what the pretext, was declared "among the greatest of crimes," and the right of every State to regulate its own domestic institutions in its own way was held to be essential to the maintenance of that balance of power on which the endurance of our political fabric depends. Not a word was said about the Dred Scott decision, the Fugitive Slave law, or the personal liberty laws so bitterly denounced by the Democrats.

Balloting began on the third day. Up to that time the success of Seward seemed assured, but the first ballot showed that, with the anti-Seward States of New Jersey, Pennsylvania, Ohio, and Missouri voting each for a favorite son, Lincoln was but seventy-one and a half votes behind Sew-

ard.* New York cast seventy votes for Seward. Outside of that State the two rivals were almost exactly equal. If the great anti-Seward States would unite on Lincoln he would be chosen. On the second ballot Vermont changed to Lincoln, forty-four votes came over to him from Pennsylvania, some smaller States followed the example, and Lincoln was three and a half votes behind Seward.† When the roll of the States was called for the third time Lincoln was fifty-one and a half ahead of Seward and lacked but one and a half of the number necessary to a choice. In dead silence the convention waited to see what State would change her vote and give him the nomination. As quickly as possible a member from Ohio mounted upon his chair and said, "I rise, Mr. Chairman, to announce the change of four votes of Ohio from Mr. Chase to Mr. Lincoln." Then went up a shout that shook the Wigwam, was taken up by the great crowd without, and made it impossible to hear the discharge of the cannon on the roof which announced to the city that a nomination had been made. In the afternoon Hannibal Hamlin of Maine was chosen as the Vice-Presidential candidate.

As the telegraph spread the news eastward salutes of a hundred guns were fired at Detroit, Buffalo, Rochester, Ithaca, New Haven, Boston, Portland, Bangor. At Albany the news was disbelieved, but when confirmed State Street was a line of burning tar barrels.

Democratic journals were amazed at the defeat of Seward, and, finding nothing in the political career of the Republican candidate to attack, began to belittle his abilities. The Republican convention at Chicago, it was said, has thrown Seward overboard, and nominated Lincoln of Illinois, whom Douglas beat two years ago. This is all the reputation he has.‡ He is a man of nerve, independence, and perseverance, but lacking in culture and other qualities that do most adorn the occupant of the Presidential chair. They have passed over Seward for a man infinitely his

* Seward, 173½; Lincoln, 102.

† Seward, 184½; Lincoln, 181.

‡ Detroit Free Press, quoted by New York Tribune, May 22, 1860.

inferior in every way, a man with no experience in public affairs, without the slightest pretension to statesmanship, and whose best claim to popular support is his defeat by Douglas in 1858.* He has never held public office of any credit, and is not known except as a slang-whanging stump speaker of a class with which every party abounds and of which every party is ashamed. He represents no principle and no sentiment but opposition to Seward. But it is all right. The Republican party was doomed to come to an end in this contest. "Soon up, soon rotten." † While we have no desire to detract from Mr. Lincoln's position as a respectable citizen of Illinois, we are not aware that he possesses in any considerable degree the qualifications for so elevated a position as that of Chief Magistrate of the United States. Probably an attempt will be made to present him as "Honest Abe Lincoln," nominated in the Wigwam, the candidate who can split rails and maul the Democrats.‡ A third-rate slang-whanging lawyer, a man well enough in his way, but possessing no proper qualifications for the place for which he is nominated, he is put forward as "Old Abe Lincoln," "Old Uncle Abe," and the people are expected to accept a slang nickname in lieu of fitness.§ He is a man of few talents, a self-made man, a tall, swarthy, rather cadaverous-looking Kentuckian, a good stump orator, and possesses qualities which make him popular with "the boys." ¶ They have passed over Seward, Chase, Banks, and taken a fourth class lecturer who can't speak good grammar.‖

The allusion to Lincoln as a candidate who could split rails arose from an incident in the Illinois State Republican Convention. He had, so the story was told at the time, stepped into the hall to see how matters were going, was recognized, and given an ovation. No sooner was it over

* Buffalo Daily Courier, quoted by the Tribune.

† Albany Atlas and Argus, quoted by the New York Tribune, May 21, 1860.

‡ New York Journal of Commerce.

§ Binghamton Democrat.

¶ Rochester Advertiser.

‖ New York Herald.

than Mr. Oglesby of Decatur rose and said an old Democrat of Mason County wished to make a present to the convention, and, permission having been given, two old fence rails adorned with flags and streamers and duly inscribed * were carried to the platform. The effect is described as "electrical," and ten minutes passed before the cheering subsided. Lincoln was, of course, called on to explain, and said that some thirty years before, when he had just migrated to Illinois, he stopped for a season with his mother in what afterward became Mason County, and built a cabin, split rails, and cultivated a small farm on the Sangamon River some six or eight miles from Decatur. The rails, he believed, were taken from the fences, but, whether they were or were not, he had mauled many and many better ones since he came to manhood.† Two of the rails, probably the same, were on exhibition in the office of the Chicago *Times* during the convention, and no parade of Lincoln supporters in the West was ever complete without a number of men carrying rails which were, in the campaign of 1860, all that log cabins were in that of 1840.

Republican newspapers described him as a representative man, one who owed what he was to his own exertions, one who came fresh from the ranks of the people. With united effort and undivided zeal, it was said, the election of the Illinois rail candidate was certain.‡ His reputation for fair dealing and honesty was such that for years his neighbors and fellow citizens had honored him with the epithet "Honest Abe Lincoln." Springing fresh from the people, his life and character touched the popular heart.§ No stain rested on his public or private character.¶ "Honest Abe Lincoln" was just the man the sorely swindled nation needed.‖

* The inscription read, "Abraham Lincoln, the rail candidate for President in 1860. Two rails from a lot of 3,000 made in 1830 by Thomas Hanks and Abe Lincoln, whose father was the first pioneer of Mason County." New York Tribune, May 22, 1860.

† New York Tribune, May 22, 1860.

‡ Troy Daily Times, quoted by New York Tribune, May 21, 1860.

§ Hartford Press.

¶ Syracuse Standard.

‖ New Haven Palladium.

Springing from the people, nurtured in the hard school of early poverty, he had risen to eminence by his own native energy. With such a standard bearer victory was certain.*

The convention of Seceders was to meet at Richmond on the eleventh of June; but nine Southern Congressmen in an address to the National Democracy urged that it be postponed till after the convention at Baltimore. The path to united action was still open; no real obstacle to harmony, they said, existed. Should the Baltimore convention adopt a satisfactory platform before choosing a candidate there would be no need for a meeting at Richmond. The meeting, therefore, ought to be postponed and the delegates go to Baltimore. A refusal to do this would rend the party in twain and make reunion impossible.† The advice was taken, and after a session of two days the convention adjourned to the morning of the twenty-first of June. All hope of reunion was vain, for the Baltimore convention had not been long in session when it also was split in two.

It will be remembered that at Charleston the entire delegations from Florida, Alabama, Mississippi, Louisiana, and Texas and some delegates from Delaware, Georgia, and Arkansas withdrew. In Delaware, Georgia, Alabama, Mississippi, and Louisiana the State conventions assembled and sent back the old delegates; but in Texas, where the convention could not be reassembled for want of time, the executive committee accredited the old delegates anew. In Louisiana twenty parishes out of thirty-nine, and in Arkansas twenty-eight counties out of fifty-two, held conventions and chose Douglas delegates, and in Georgia less than one-eighth of the members of the State convention seceded and chose new delegates. Florida sent none to Baltimore. When the convention met there were, therefore, contesting delegates from Georgia, Alabama, Louisiana, and Arkansas. On the fourth day the committee reported. A majority recommended that the seceders from Delaware, Mississippi, Texas,

* Utica Morning Herald.

† The address was signed by Iverson, Slidell, Davis, Lamar, Toombs, Sebastian, Mason, Benjamin, Reagan. New York Tribune, May 19, 1860.

and from Florida, if any came, be seated; that the contestants from Louisiana and Alabama be seated, that both old and new delegations from Georgia be admitted and the vote of the State equally divided between them, and that one set of contestants from Arkansas be admitted and cast two votes and that the other be given seats and cast one vote.* The minority agreed with the majority as to the treatment of Texas, Mississippi, and Delaware, but not as to Georgia, Alabama, Louisiana, and Arkansas. On the fifth day the report of the majority was adopted, and that evening, after it had been made "final, complete, irrevocable," the Virginia delegates rose and left the theater, followed by all or some of those from North Carolina, Tennessee, Maryland, California, Oregon, Kentucky, and the next day, when Massachusetts was called on a resolution then pending to ballot for candidates, Butler rose, announced the desire of the majority of the Massachusetts men to withdraw, and Cushing went out with them.

After two ballots for a candidate were taken it was resolved, unanimously, that Stephen A. Douglas, having received two-thirds of all votes given in the convention, was the regular nominee of the Democratic party for the office of President of the United States. At the evening session Benjamin Fitzpatrick of Alabama was nominated for the Vice-Presidency. He declined, and the National Committee nominated Herschel V. Johnson in his stead.

Saturday morning, June twenty-third, the Seceders met in Institute Hall, put Cushing in the chair, adopted the majority platform of the Charleston convention, and nominated John C. Breckinridge of Kentucky and Joseph Lane of Oregon, and adjourned.† No delegates from South Carolina came to Baltimore. They remained at Richmond with a few others, adjourned from day to day till the evening of Tuesday, the twenty-sixth, when the Southern platform was adopted and Breckinridge and Lane endorsed.

The Republicans conducted a spectacular campaign. Every headquarters was a "wigwam," and no rally, no poli-

* New York Tribune, June 22, 23, 1860.
† Ibid., June 27, 1860.

tical parade, was complete without the presence of fence rails and Wide Awakes. The original Wide Awake was a Republican Club formed in Hartford during the State campaign in the spring of 1860. Every member was pledged to vote the party ticket, drill, march in all parades, carry a torch, and wear a uniform consisting of a glazed cap and a glazed cape.* Transparencies had long been familiar to the voters, but a body of men marching with military precision, each uniformed and bearing a torch on his shoulder, was a new sight, at once became popular, and Wide Awake associations sprang up in every county and town, and rallies of clubs from many towns were held at Hartford, New Haven, and elsewhere. One at Hartford was attended by clubs from nine towns and two thousand Wide Awakes marched in the parade with torches and in full uniform.† Such displays had great effect on the young men and brought them into the party by hundreds. As the Presidential campaign came on Wide Awake clubs were formed in all the Republican States, and so many demands were made on the originators at Hartford for information that they issued two circulars giving full details of their organization and history, with cuts of their uniform, torches, and officers' lanterns, which could be had by writing to the secretary and enclosing "two red stamps for postage." ‡

Mingled with the torches of the Wide Awakes were mottoes and transparencies setting forth the opinions of the Republicans on the great issues of the hour. Free soil for freemen; No more slave Territories; We do care whether slavery is voted up or voted down; Abraham Lincoln does care whether slavery is voted up or voted down; The Territories must be free to the people. Such were a few of the many sentiments displayed in the great parades. During the recent session of Congress Buchanan had vetoed an act appropriating fifty-five thousand dollars for deepening the

* New York Tribune, March 29, 1860.

† Ibid., May 7, 1860.

‡ Ibid., June 25, 1860. Some, as the New Haven Wide Awakes, had a cheer consisting of counting from one to nine rapidly with a hurrah at the end. A copy of the Constitution of the Hartford Wide Awakes is printed in the Tribune for June 5, 1860

channel over the St. Clair flats in Michigan,* and an act to secure homesteads to actual settlers on the public domain,† and the Senate had killed a tariff bill sent from the House. Again and again in the Wide Awake parades appeared the demand for "River and Harbor improvements." Homesteads for all actual settlers, Free homesteads, Lincoln and free homesteads, Pass the homestead bill and that will settle the slavery question, That 160 acres we must have, The United States is rich enough to give us all a farm, Protection to American industries.‡

In the Democratic parades of Little Giants, Ever Readys and Invincibles were such mottoes as Democracy is good enough for all, Cuba must be ours, We want none but white men at the helm, We want a statesman, not a rail splitter, as President, Billy Seward and his three aunties, Aunty Mason, Aunty Rent, Aunty Slavery.§

As the campaign progressed every good Republican was expected to wear a badge, pin, ring, or mark of political faith of some sort. One was a pin "correctly representing" the identical axe that "Honest Abe" used in splitting rails, "an elegantly formed and richly plated axe." Another was the Rail Splitter's Pin, representing a section of rail fence with the rails Lincoln split and the "identical knots in them." The Eagle campaign pin consisted of the coat of arms of the United States with a miniature likeness of Lincoln set on the shield on the breast of the eagle. The Rail Splitter's pocket piece of silver, copper, bell metal, or gilt was a great favorite. On one side was a medallion bust of Lincoln, and on the other a representation of him splitting rails while the Little Giant looked on anxiously. There were rings in imitation of a section of rail fence and posts, and campaign envelopes with his portrait in one corner and beneath it some of his well-known sayings. Once started, the fashion was taken up by the other parties.

* Messages and Papers of the Presidents, Vol. 5, pp. 599-607.

† Ibid., pp. 608-614.

‡ Fite. The Presidential Campaign of 1860, pp. 226, 227.

§ Ibid., pp. 228, 229. Mr. Fite gives an excellent account of the campaign.

Marching clubs called Ever Readys, Douglas Guards, Little Giants, Invincibles were formed, and Everett breast pins, Douglas breast pins, Breckinridge and Lane envelopes came into use.

Campaign documents consisting of speeches in Congress or before the people, or popular because of the men who made them or the political doctrine they contained, were widely circulated by the Republicans in the English and German languages. The Dred Scott decision, Seward's Irrepressible Conflict, Grow's Land for the Landless, Wilson's Democratic Leaders for Disunion, and Lincoln's speech at Cooper Union, Helper's "Impending Crisis," and the Lincoln-Douglas debates were scattered over the free States by thousands; but appeals of this sort were by no means used so largely as in former campaigns. Wide Awake and Rail Splitters' clubs were relied upon to arouse the enthusiasm of the people, and speakers of force and reputation journeyed over the country East and West to meet the people face to face and tell them what really were the principles and aim of the Republican party. Seward, sorely wounded though he was by the refusal of the party to make him its chief, took the stump and spoke to great audiences in Maine, New York, Michigan, Wisconsin, Mississippi, Missouri, and at Lawrence and Topeka in that unfortunate Territory in whose behalf he had fought so long and well. Scarcely a man then conspicuous in the Republican party but did his part as a campaign speaker. Men of letters, too, did their part. Lowell in the *Atlantic* upheld Republican ideas. Whittier moved the resolutions adopted by a meeting at Amesbury. Francis Lieber presided over a German meeting in New York City, and the name of William Cullen Bryant appeared on the Republican electoral ticket of New York State.

As the campaign opened the Democrats in the North were sorely bewildered, for they knew not which candidate to regard as regular, and which wing to consider the National Democracy. The Charleston *Mercury* said neither was national. Not a Northern delegate to the Seceders' convention in Baltimore represented the opinion and policy

of a Northern State. That gathering was a Southern sectional convention representing the South and controlled by the South. It was, indeed, called a National convention; but the National party ceased to exist when the secession took place at Charleston. Both conventions then became sectional. One represented the North; the other the South; one strove for a sectional domination of the South; the other was organized to save the South from this domination with the alternative of independence. Not a particle of nationality existed in either wing.* So far as the voters were concerned, there need be no difficulty, the New York *Journal of Commerce* held, for no regular nomination had been made and each man was free to vote for either candidate and still be a Democrat. A New Jersey newspaper, the Rahway *Republican,* put both Douglas and Breckinridge at the head of its column and left its readers to choose between them. In some States, however, electors of President and Vice-President were appointed before the party split occurred at Charleston. What, it was asked, are they to do? May they vote for either? Pennsylvania was such a State, and there the committee proposed that the two wings unite on one electoral ticket and that, when the result of the election in the other States was known, should it appear that the vote of Pennsylvania would elect Douglas, the electors should cast their ballots for Douglas, or, if it would elect Breckinridge, then it should be given for him. If neither could be elected by the vote of Pennsylvania, then each elector should be free to vote as he pleased.† The Douglas State Executive Committee rejected the proposition for fusion as insincere, because in all the States the Democrats could surely carry Breckinridge electoral tickets were already in the field.‡ Maryland was another State where the Democrats had made up their electoral ticket before the secession at Charleston, and there the State Committee bade the Chairman write to each elector, ascertain for whom he would vote, and report to the State convention at its meeting on

* National Intelligencer, July 10, 1860.
† Ibid., July 3, 1860.
‡ Ibid., August 18, 1860.

August second.* Six electors flatly refused to vote for Douglas and Johnson, and the State convention appointed others in their places.† When the Democratic State convention of Ohio met at Columbus a resolution that the Democracy of Ohio had a right to vote for either candidate was promptly ruled out; whereupon the mover withdrew and joined some forty Breckinridge delegates who had not taken their seats, but were awaiting the result of the motion, at once organized a separate convention, and resolved to run State, electoral, and congressional tickets of their own.‡ A mass convention of the Democracy of Indiana appointed Breckinridge and Lane electors, but advised the State Central Committee to offer their support to a joint electoral ticket.§ Both Douglas and Breckinridge wings in Augusta County, Virginia, recommended their party conventions, about to be held at Charlottesville and Staunton, to run but one electoral ticket, and require the electors to cast their ballots for Douglas or Breckinridge, if the vote of Virginia would elect either of them. If it would not, then they were to vote for whichever was stronger out of Virginia.¶ Mozart Hall Democrats in New York City urged a joint electoral ticket to be supported by all who wished the downfall of sectionalism and the defeat of the party whose success would surely plunge the country into the horrors of disunion and civil war.‖

Others felt strongly that Douglas, Bell, and Breckinridge should withdraw in favor of some compromise candidate on a conservative platform. Jefferson Davis, with the approval of Bell and Breckinridge, sought to bring this about, and early in the summer visited Douglas and proposed it. He declined, alleging that if he withdrew his followers would turn to Lincoln.** Defeat of Lincoln, said a Richmond newspaper, is the great object of the campaign; but it

* National Intelligencer, July 10, 1860.
† Ibid., August 18, 1860.
‡ Ibid., August 4, 1860.
§ Ibid., July 14, 1860.
¶ Ibid., July 31, 1860.
‖ Ibid., July 3, 1860.
** Davis. Rise and Fall of the Confederate Government, Vol. 1, p. 52.

cannot be done by widening the breach. Nor is there any power that can unite the two wings under one leader. Democrats, therefore, should agree to disagree. In the North they should run none but Douglas tickets; in the South only Breckinridge tickets. The electoral colleges will then be in Democratic hands and Lincoln will be defeated. Unless this is done he will surely be elected.* All plans for fusion, all efforts to run in each State an electoral ticket to be supported by the friends of Douglas and Breckinridge with the understanding that electors so chosen should vote for the one or the other as circumstances might require, found no favor with the National Democratic Committee, which issued a circular denying that such attempts would be made.† In New Jersey a fusion electoral ticket consisting of two Bell, two Breckinridge, and three Douglas electors was agreed upon, and a Breckinridge and Lane meeting in Philadelphia resolved that in the published opinions of Buchanan and Pierce it had high authority for saying that neither nomination made at Baltimore was regular, and, therefore, all Democrats were free to support either candidate without any breach of party fidelity.‡ Friends of Douglas at Richmond resolved that, in view of the distracted condition of the National Democracy, they recognized Douglas as the regular Democratic nominee, and bade the Chairman appoint delegates to the convention at Staunton on August sixteenth. On that day the Breckinridge convention met at Charlottesville, and each appointed a committee to meet with that from the other and, if possible, propose a fusion electoral ticket; but the attempt ended in failure.§

The difficulty in which the Democrats were involved was not without its humorous side. At Grand Junction, Tennessee, was a newspaper edited by three men, two of whom were ardent supporters of Douglas and one a follower of Breckinridge. The paper, therefore, supported both. On one page, under the words "Regular Democratic Ticket,"

* New York Tribune, July 13, 1860.
† Ibid., July 7, 1860. The circular is dated June 30.
‡ National Intelligencer, August 3, 1860.
§ Ibid., August 17, 18, 19, 1860.

were the names of Douglas and Johnson, and on the next page, under the words "The only regular Democratic Ticket," were the names of Breckinridge and Lane.

Douglas was under no delusion as to his chances of success. Nevertheless, he determined to fight a good fight, took the stump, traveled through New England, going as far East as Bangor and as far North as Burlington, speaking in many of the chief towns and cities, and toward the close of August spoke at Norfolk and Petersburg and later at Richmond and Baltimore. At Norfolk questions were put to him by the head of the Breckinridge electoral ticket. "If," he was asked, "Abraham Lincoln be elected President, will the Southern States be justified in seceding from the Union?" "To this I answer emphatically, No! The election of a man to the Presidency of the American people, in conformity with the Constitution of the United States, would not justify any attempt at dissolving this glorious Confederacy." He was then asked, "If they, the Southern States, secede from the Union upon the inauguration of Abraham Lincoln before he commits an overt act against their constitutional rights, will you advise or vindicate resistance by force to their secession?" "I answer emphatically," Douglas replied, "that it is the duty of the President of the United States and all others in authority under him to enforce the laws of the United States as passed by Congress and as the court expounds them. And I, as in duty bound by my oath of fidelity to the Constitution, would do all in my power to aid the government of the United States in maintaining the supremacy of the laws against all resistance to them, come from what quarter it might." The President, in short, should meet all attempts to break up the Union "as Old Hickory treated the Nullifiers in 1832." Douglas admitted the right of revolution, but denied that the election of Lincoln would be "such a grievance as would justify revolution or secession." *

At Baltimore he declared his belief that the Union was in danger, that there was "a mature plan through the South-

* Speech at Norfolk, August 25, 1860; National Intelligencer, September 1, 1860.

ern States to break up the Union," and that "the election of a Black Republican is to be the signal for that attempt."

From Baltimore Douglas passed across Pennsylvania to Buffalo and then to Cleveland and by way of Columbus, Cincinnati, and Indianapolis to Chicago, where he was given a great ovation early in October. A few days later State elections were held in Pennsylvania, Ohio, and Indiana and all three were carried by the Republicans.

No reasonable doubt that Lincoln would be elected now remained in the minds of men North or South. Indeed, the Republican National Committee issued an address claiming his election and urging renewed efforts to secure a Republican House of Representatives. From all present indications, a Southern speaker told his hearers, Lincoln will be elected and all Douglas and Bell followers will go into his camp. The indisputable, momentous fact the South has to deal with is that our enemies have taken possession of the government. Senator Chestnut wrote that he had passed the summer in the Virginia mountains, and that they abounded in politicians from all parts of the country save New England. Most State rights men from the South were belligerent, though all were sure their States would not meet the election of Lincoln by secession. Nevertheless, with a few exceptions, all were urgent that South Carolina should lead and take the chance of dragging other States after her. Lincoln, said the writer, will be elected, and we must soon consider what course to take.* Another correspondent of Senator Hammond told of a secret association called "Minute Men" forming in every district in South Carolina. Requirements for admission were payment of one dollar initiation fee and a pledge of honor to secure a rifle and revolver and be ready to march, at a minute's notice, to Washington to prevent Lincoln's inauguration, should he be elected. The scheme originated at Columbia and was introduced at Edgefield Court House by a brother of Preston S. Brooks. Some four hundred had joined at Edgefield, and as

* James Chestnut, Jr., to Senator Hammond, October 17, 1860. Hammond MSS., Library of Congress.

a badge of membership each wore a blue cockade on his hat.* The Charleston *Mercury* was glad to hear that the people were making ready for the crisis at hand. As an offset to Northern Wide Awakes, Minute Men were organizing, arming, and drilling in the principal districts of the State. Their badge was a blue rosette, with a military button in the center, worn on the side of the hat.†

In the South the topic of political speeches became the question whether the election of Lincoln was cause enough for secession. "Emancipation or revolution is now upon us," the Charleston *Mercury* declared, when the news of the October elections was received. True, the question of the separate secession of South Carolina, in the event of the election of Lincoln, should other States in the South fail to take the lead, had not entered the campaign. It was not a subject for action by the legislature; but that body when it assembled would undoubtedly arm the State, call a convention, and put South Carolina alongside of Alabama, whose Governor had been instructed to summon a convention within forty days after the election of Lincoln.‡

From the Governor of Mississippi came a proposition to withdraw the delegation from Congress and obey all acts of Congress, in the passage of which Mississippi had a voice, up to the time of the election of Lincoln, but obey no other federal laws, and have nothing to do with the federal government until a guarantee was given the people of Mississippi that their rights of person and property would be fully respected.§

Great as was the interest in the campaign, serious as were the issues involved, the people were not indifferent to the doings of two parties of distinguished foreigners who visited our country in 1860. One came from Japan; the other from Great Britain. The Japanese treaty of 1854 having opened the ports of Shimoda and Hakadadi, Town-

* G. D. Fillman to J. H. Hammond, Edgefield Court House, October 9, 1860. Hammond MSS.

† Charleston Mercury, October 15, 1860.

‡ National Intelligencer, October 16, 1860.

§ Ibid., October 29, 1860.

send Harris was sent out as Consul-General, but nearly two years passed before he was suffered to enter Yeddo * and present to the Tycoon a letter from Pierce, then no longer President.† At Yeddo a treaty of amity and commerce was signed in July, 1858,‡ with the express provision that the ratifications should be exchanged at Washington.§ This meant a visit of Japanese officials to our country, and accordingly in March, 1860, the man-of-war *Powhatan* with the envoys and retinue, seventy-six persons in all, reached San Francisco.¶ As no means of comfortable transportation across the continent then existed, the visitors, after a few days of sight-seeing, were carried on the *Powhatan* to Panama and thence by rail to Aspinwall. The *Roanoke* took them to Hampton Roads, where in May they were officially received and then brought to Washington on the *Philadelphia,* landed at the Navy Yard, and escorted with much ceremony to their hotel.‖ It now became the duty of the envoys to deliver the presents, contained in fifteen boxes, and the treaty which, shut in a finely lacquered case, had never been left unguarded for a moment since quitting Japan. When carried, the box, made fast to two poles, was borne on the shoulders of four men.

Three weeks were spent in sight-seeing and festivities before the embassy departed for Philadelphia to investigate the matter of money and exchange. At the mint, therefore, assays of Japanese and American coins were made in the presence of the important members of the embassy that a report might be taken back to Japan. They were now in a great manufacturing city, and were taken on a round of visits to mills, factories, shops of every sort, and to see anything which to them would be astonishing. They saw a patient etherized by Doctor Morton, and two balloon ascen-

* November, 1857.

† December 7, 1857.

‡ July, 1858.

§ Treaties and Conventions, Senate Executive Documents, 41st Congress, 3d Session, No. 36.

¶ The news was carried by the Pony Express on its first trip eastward. National Intelligencer, April 16, 1860.

‖ National Intelligencer, May 11, 12, 17, 18, 1860.

sions at the gas works, were amazed at the brilliancy of the Drummond light, inspected the Baldwin locomotive works, the water works, and a type foundry, were presented with a sewing machine, and left the city loaded with specimens of American mechanical skill and inventive genius. At New York they were welcomed by a great parade up Broadway, and after nearly two weeks occupied with excursions by water, sight-seeing, and social entertainment the embassy set sail on the United States ship *Niagara* for home.

If, said a New York journal, they have the acuteness to see the uses to which they have been put to gratify the inordinate greed of those with whom they have come in contact, and if they think that in these they have seen reflected the character of our people, then Heaven help our reputation in Japan. Of almost all that an intelligent traveler would like to know they have gone away as ignorant as they came.* They went away, in truth, deeply impressed by what they saw, and from that memorable visit, the first ever made to a Christian people, dates the beginning of modern Japan.†

One month later the Prince of Wales landed at St. Johns, and after a tour through the British Provinces arrived at Detroit. People for miles around came to see him. Thirty thousand, it was said, were at the ferry, and such was the rush as he stepped ashore that his suite were scattered and one was pushed into the river. When driven about the city great crowds ran after the carriage, eager to get a sight of a real Prince. Nothing like it had ever been seen in Detroit. On the way to Chicago hundreds greeted him at every station. And why should they not? said the New York *Tribune* when some newspapers called them "tuft hunters." Baron Renfrew, as the Prince wished to be called, will some day be King of England, and would not all of us rush to see the man who is to be President of the United States in 1876? At Chicago the crowd was great,

* New York Tribune, June, 1860.

† An interesting account of the visit of the Japanese is The Great Japanese Embassy of 1860, by Patterson Du Bois. Proceedings of American Philosophical Society, Vol. XLIX, 1910.

but less boisterous than at Detroit, and there he saw a torch-light procession of Wide Awakes. After a short stay in the city and two days spent in shooting quail on the prairie near Dwight Station the royal party went on to St. Louis and then by way of Cincinnati, Pittsburg, and Harrisburg to Washington, where the Prince was the guest of the President. Visits were made to Richmond, Philadelphia, and New York, where he was honored by a great military and civic parade, a ball, and a torch-light procession of firemen. Stops were made at West Point and Albany, where the Prince, turned eastward, was welcomed by a procession and ball at Boston, and, after a brief reception at Portland, boarded a vessel awaiting him and sailed homeward. Twenty-nine days had been spent on the tour.

Our country when the Prince saw it was at the height of prosperity. In agriculture, commerce, manufactures, in all that contributes to the comfort of life the material progress of our people from 1850 to 1860 had been greater than in any previous decade in our history. Our clippers were to be seen on every sea; our merchant marine exceeded that of Great Britain, and seventy-five per cent. of our exports was carried in American bottoms. Eighty per cent. more cotton goods, seventy-five per cent. more pig iron, fifty per cent. more woolen goods were manufactured in 1860 than in 1850. During the decade twenty-two thousand miles of railroad were built; tens of thousands of miles of telegraph lines erected, and two attempts made to lay a telegraph line on the bed of the Atlantic Ocean. The idea was old. As early as 1850 Mr. John A. Roebling of Trenton declared it practicable, suggested the use of twenty iron wires that twenty messages might be sent, and estimated the cost at a million three hundred thousand dollars.* But it was not till Cyrus Field became interested in the venture that any attempt was made to lay a cable. A British corporation, the Newfoundland Telegraph Company, had been organized to build a line from Liverpool to the west coast of Ireland and from Cape Breton to Newfoundland, and carry the

* Philadelphia Public Ledger, April 22, 1850.

messages across the Atlantic by fast steamships. Failing to secure all the money needed, the projector came to New York, made known his scheme to Cyrus Field, and appealed for aid to carry it out. If it were possible to lay a cable from Cape Breton island to Newfoundland, Field could see no reason why another could not be laid on the bed of the Atlantic. Carried away by the idea, he induced some men of wealth to join him,* organized the New York, Newfoundland, and London Telegraph Company, obtained a charter from Newfoundland, and set about the work at once. The first attempt to lay a cable across the Gulf of St. Lawrence failed; but a second, made in 1856, succeeded, and Cape Ray Cove, Newfoundland, was joined to Ashley Bay, Cape Breton.† Contracts were then let for the manufacture of the Atlantic cable; Congress authorized the payment of seventy thousand dollars a year to the company for the transmission of government messages; ‡ Parliament incorporated The Atlantic Telegraph Company, a new corporation including the stockholders of the old; four vessels were provided by the United States and four by Great Britain, and early in August, 1857, the shore end of the cable was landed with great ceremony in Valentia Bay, Ireland. The United States frigate *Niagara* was to lay the cable to the middle of the Atlantic, whence Her Majesty's steamship *Agamemnon* was to continue the work to Newfoundland. August seventh the start was made. On the tenth the water suddenly began to deepen, increased from five hundred and fifty fathoms to two thousand, and just before four o'clock on the morning of the eleventh the cable parted. Three hundred and forty-five miles, or a hundred more than the ship had run, had been paid out. Meantime great preparation was made to celebrate the completion of the task. One hundred guns were to be fired at Portland when the news arrived and a great fête was to be held in New York.§ Keen

* Peter Cooper, Moses Taylor, Marshall O. Roberts, and Chandler White.

† New York Tribune, July 14, 1856.

‡ Act approved March 3, 1857.

§ Philadelphia Public Ledger, August 18, 20, 21, 26, 27, 1857.

was the disappointment felt when a steamer reached Halifax with the news that the attempt had ended in failure.

Nothing daunted, the company in June, 1858, sent out a second expedition. The two ships, each carrying one-half the cable, and their tenders were to meet in latitude fifty-two, two north, longitude thirty-three, eighteen west, joint the ends of the cable, and set off, the *Agamemnon* for Valentia Bay and the *Niagara* for Newfoundland. Twice the vessels met in mid-ocean and twice the cable parted. A third time the ends were joined; but when a hundred and fifty miles had been paid out communication between the ships ceased, for the cable had broken close to the stern of the *Agamemnon*. The squadron thereupon returned to Queenstown; but enough cable remained to make it possible to try again, and in July the vessels were once more in mid-ocean. Success attended this attempt, and on the fifth of August the *Niagara* reached Newfoundland and the *Agamemnon* Ireland.* Some days passed, however, before messages could be sent; but on the sixteenth words of congratulation and good will were exchanged by Queen Victoria and Buchanan. When that from the Queen reached Washington the President would not believe it genuine, nor was he convinced till the Superintendent of the Newfoundland line sent positive assurances that it "actually came over the Atlantic cable from Valentia Bay." A hundred guns were fired in New York City on the following morning and again at noon; public demonstrations of joy were made in almost every city and town of importance; bells were rung, guns fired, and illuminations made, and a public ovation was given to Field and the officers of the *Niagara* by the municipality of New York. But the rejoicings were short-lived, for the cable was defective and soon ceased to work. As a working telegraph, said the *Tribune,* the chances were always against it, and it must now, we fear, be given up as a complete failure.†

* New York Tribune, August 9, 1858.
† Ibid., October 16, 1858.

CHAPTER XCVII.

THE CONFEDERATE STATES OF AMERICA.

Election day fell on the sixth of November. In every State save one the people voted for electors; in that one, South Carolina, the legislature must make the appointment, and preparatory to doing so met on the fifth of the month and listened to a message from the Governor, William H. Gist. In ordinary times, he told the legislature, its duty would be discharged by the appointment of electors. But the aspect of affairs was threatening; the probability of the election of a sectional President by a sectional party was strong, and if that party carried out the policy to which it was committed the Southern States would become mere provinces of a consolidated despotism, hostile to their institutions and bent on their ruin. For these reasons Gist asked that the legislature remain in session and, should Lincoln be elected, call a State convention to consider the mode and measure of redress. South Carolina, he believed, had no choice left but to leave the Union, and, should the federal government attempt to coerce her, she should meet force with force.* That night there were serenades in Columbia and speeches by prominent men, each of whom called vigorously for the secession of South Carolina even if she stood alone. On the following day electors were appointed, and the legislature continued its session to await the result in the other States. Enough was known on the seventh to make it certain that Lincoln was elected. Omitting Oregon and California, from which no news could be

* New York Tribune, November 9, 1860.

received for some time, he was sure of one hundred and sixty-nine electoral votes out of three hundred and three. When news did come from the Pacific Coast, it appeared that Oregon and California had gone Republican, and the electoral vote for Lincoln rose to one hundred and eighty. Douglas had secured twelve electors, nine in Missouri and three in New Jersey. Bell carried Virginia, Kentucky, and Tennessee, and would have an electoral vote of thirty-nine. Breckinridge would have seventy-two.*

What South Carolina would do admitted of no doubt; but what the other slave-holding States, the border States in particular, would do, or should do, was for a while a subject of newspaper discussion. The Northern people, it was said, in electing Mr. Lincoln have perpetrated a deliberate, cold-blooded insult and outrage on the people of the slave-holding States. But, while a reasonable chance remains, we are opposed to violence and haste.† Union is a very clever co-partnership when the South can have equal rights and privileges; otherwise it is a curse and secession becomes the glory and the source of prosperity of the South. It will stop the flow of Southern wealth to the North and keep it at home to enrich the South; it will stop going North for health and cabbage seed, for pleasure and finery. We are not dependent on the North for anything. Peaceable secession will be the salvation of the South; Union and submission will be her ruin.‡ Every member of Congress representing a Southern constituency should resign at once. Let us have nothing to do with the government till the eternal and everlasting question of slavery is settled. If the South cannot settle it in the present Union, she doubtless could do so out of it.§ It was part of the program of the disunion leaders to elect Lincoln, a Florida editor

* Popular vote, Lincoln, 1,857,610; Douglas, 1,291,574; Breckinridge, 850,082; Bell, 646,124. Lincoln received no votes in North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee. In Kentucky 1,364 and in Missouri 17,028 were cast for him.

† New Orleans Crescent, November 9, 1860.

‡ Atlanta Intelligencer.

§ Atlanta Confederacy, November 12, 1860.

said. They hoped to drive the South into revolution. They have elected Lincoln. But whether the *people* of the South will plunge into civil war merely because a man not of our choice has been elected President, and before any overt act against the South has been committed, remains to be seen.*

North Carolina, another predicted, will never permit Mr. Lincoln nor his party to touch the institution of slavery. Her people are a unit on the matter. Let every business man, therefore, stand firm and do all he can to ward off the effects of the panic. Sacrifice as little property as possible. Beware especially of a panic in slave property. Slavery in this State is in no danger.† Let us remain in the Union, and if we have to fight for our liberties fight under the Stars and Stripes. If Lincoln violates his oath let us dethrone him, but while we hurl him to earth let us hold to the Constitution, and put in his place one who will obey it.‡ Not the election of Mr. Lincoln causes alarm in the South, but what he represents; the deep-seated enmity to Southern institutions which is ready to overleap the bounds of the Constitution. That is what justly awakens the solicitude of the Southern people and makes it hard for them to wait and give his administration a fair trial. But they should, and we hope they will.§ It seems as if certain cotton States were about to go off by themselves and form a Cotton Confederacy totally regardless of other States which do not recognize Cotton as their King. This is a poor way to uphold the rights of the South.¶ Though we consider the Black Republican crusade incompatible with the existence of the Union, we trust the South will not take any extreme action. Lincoln has been constitutionally elected, and his elevation to power can no longer be resisted save by naked and palpable revolution.‖

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* Pensacola Tri-Weekly Gazette, quoted by Mobile Daily Advertiser, November 10, 1860.

† Raleigh Standard, November 10, 1860.

‡ Newbern Progress, November 9, 1860; Raleigh Press, November 9, 1860; Petersburg Intelligencer, November 7, 1860.

§ Norfolk Herald, November 9, 1860.

¶ Alexandria Gazette, November 10, 1860.

‖ Washington Star, November 7, 1860.

Revolution was greatly desired in South Carolina, and to bring it about the people bent all their energy. "The tea," said the Charleston *Mercury,* "has been thrown overboard, the revolution of 1860 has been initiated." "Wednesday, the seventh of November, will long be remembered in Charleston." * Business on that day was almost neglected, crowds filled the streets, stood about the bulletin boards, and as State after State was placed in the Lincoln column received the news with cheers for a Southern Confederacy. About noon, when a red flag with a palmetto tree and a lone star was stretched across the street from the *Mercury* office, it was hailed with wild delight. A steamer owned by the Cushing Brothers of Boston ran up the flag of South Carolina and saluted it with fifteen guns. On that day the United States District Court was to close its sitting. When the judge asked if the Grand Jury had any presentments to make the foreman rose and announced that, because of the result of the voting the day before, no presentments would be made. The jury considered the authority of the United States ended in South Carolina. Thereupon the judge said, "For the last time I have, as a judge of the United States, administered the laws of the United States within the limits of South Carolina. So far as I am concerned, the Temple of Justice raised under the Constitution of the United States is now closed. If it shall never again be opened I thank God that its doors have been closed before its altar has been desecrated with sacrifices to tyranny." The United States District Attorney then declared that he, too, would resign.

Carried away by the excitement of the hour, the Collector of the Port wrote to the *Mercury,* "I will not serve under the enemies of my country, and whether South Carolina secedes, concedes, or submits I will resign my office." † The Surveyor of the Port declared, "I will not hold the office of Surveyor or any other office under a Black Republican President." ‡ The naval officer saw no good reason

* Charleston Mercury, November 8, 1860.
† Ibid.
‡ Ibid.

why the officers of the customs should resign. Retirement would stop the entry and clearance of vessels, put an end to commerce, and place the port in a condition equivalent to a blockade.* Alfred Huger was requested not to resign his office of Postmaster "until the State assumes in her sovereign capacity the management of her postal affairs." † The navy agent and the pension agent announced that they, too, would never serve under a Republican President; but the United States Commissioner did not see that any office was left him to resign. He had been appointed by a judge of a United States court, and, that judge having resigned, his duties as commissioner were at an end,‡ and the office if it any longer existed was vacant.

Members of the legislature assembled at Columbia were of two opinions as to what the State should do. There were those who insisted on instant and separate State secession, and there were those who, while just as eager for the dissolution of the Union, wished for co-operation with other slave-holding States. In Charleston, however, the people were of one mind, and when it became known that a bill requiring the election of delegates to a State convention on the eighth of January, 1861, and fixing the fifteenth as the day of meeting, was before the Senate, they protested and sent a committee of three to Columbia to demand earlier dates. The protest was heeded, and the dates changed to December sixth and seventeenth.§ Senator Chestnut now resigned, and the telegraph brought the news that Toombs of Georgia had done the same.

A friend of Senator Hammond thereupon urged him to resign. It was most important that the State present a united front. Nothing could prevent secession. Charleston was clamorous for it and he could not resist the current.¶ Hammond at once resigned, to the great delight of

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* Charleston Mercury, November 8, 1860.

† Ibid.

‡ New York Tribune, November 13, 1860.

§ Savannah Daily Republican, November 12, 1860.

¶ W. D. Porter to James C. Hammond, November 11, 1860. Hammond MSS., Library of Congress.

the people of Charleston.* Never, it was said, had there been such unanimity as then existed in the State on the policy of immediate secession. Old differences of opinion, old preferences for separate State action or co-operation, had disappeared before the imperious necessity for prompt action. Southern industry, Southern commerce had been cramped by the Union, and independence in these two interests had taken firm hold of the popular mind, and the disunion movement could not be withstood. Before two years had gone by the center of American commerce would be in the South, the power which rightfully belonged to her would be in her control.†

Georgia was as excited as South Carolina. Meetings were held to form companies of Minute Men. Sedate citizens mounted the blue cockade, and in Monument Square, Savannah, resolved that the people ought not and would not submit to the election of Lincoln and Hamlin, and demanded that the legislature say so in resolutions, and call a convention to determine the mode and measure of redress.‡ The Governor in a special message asked for a law imposing a tax of twenty-five per cent. on the sale of goods, wares, and merchandise from Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Michigan, and Wisconsin. Should this fail to bring the offending States to a sense of their constitutional duties, then a law should be enacted whereby all citizens of these States "should be declared without the protection of the laws" of Georgia. Should it appear that Lincoln was elected the Governor recommended that a convention be called, and to every demand for concession or compromise the reply should

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* "I thought Magrath and all those fellows were asses for resigning, and now I have done it myself. It is an epidemic and very foolish." J. C. Hammond to M. C. M. Hammond, November 12, 1860. Hammond MSS.,. Library of Congress. Porter, under date of November 16, wrote to Hammond from Charleston that the people rejoiced over his resignation. "You can form no idea of the unanimity and enthusiasm here. It is wonderful and seems to be the work of inspiration." Hammond MSS.

† South Carolinian, November 13, 1860.

‡ Savannah Republican, November 10, 1860.

be, "Argument is exhausted, we now stand by our arms." *

By request of the legislature, Alexander H. Stephens one evening in November addressed it on the issues of the hour. I come not, he said, to stir up strife, but to allay it; not to appeal to passion, but to reason. To the question, shall the people of the South secede from the Union because of the election of Abraham Lincoln, I answer frankly, cordially, earnestly, I do not think they should. The election of no man is sufficient cause for any State to leave the Union. We are pledged to maintain the Constitution; some of us have sworn to support it. Can we, then, for the mere election of a President, and that, too, according to the constitutional form, make a point of resistance without becoming wreckers of the Constitution? But, it is said, if Mr. Lincoln carries out his principles he will destroy our rights. Let us not anticipate an evil. If he violates the Constitution, then will be the time to act. Do not let us break out because, forsooth, he may. If the Fugitive Slave law is repealed Georgia has said she will secede. I say so, too; but I would wait for an overt act of oppression. Then keep your powder dry and let your assailants have lead if need be.†

Alabama by a joint resolution ‡ had instructed her Governor, should a Republican President be elected, to require the voters, on a Monday not more than forty days after the date of the proclamation, to elect delegates to a convention to meet on the second Monday after the election.§ Construing the resolution to mean that the President must be elected before the proclamation issued, the Governor held that he must wait till the electors had voted for President and Vice-President on the sixth of December.

The people could hardly wait for the day to come. They formed associations of Minute Men, of Rattlesnakes, of Sons of the South. A Mobile newspaper contained a no-

* New York Tribune, November 14, 1860.
† Ibid., November 23, 1860. Speech of November 14.
‡ Approved, February 24, 1860.
§ Mobile Daily Advertiser, November 9, 1860.

tice of an infantry corps about to be organized, and headed it "Wanted: eighty able-bodied men." Another headed "Gallant men to the Rescue" called for eighty-six between forty-five and sixty years of age to form a Home Guard, to protect women and children "while war is raging abroad and everybody else has gone to it." * A mass meeting of those who "believed that Alabama should not submit to the dictation of Abraham Lincoln" voted down a resolution to await the action of other States, and resolved that his election overthrew the Constitution, that he ought to be repudiated from one end of the Union to the other, and that Alabama had a right to secede and should do so without delay.† In a speech made just before election day the Governor announced that the same wire that brought the news of the election of Lincoln should the next moment carry the proclamation calling a meeting of the legislature.‡

Governor Pettus of Mississippi called a special session of the legislature because the people of the free States in many ways had shown their hostility to the institutions of the slave-holding States, because the governments of nearly all the Northern States had evinced a settled purpose to evade their constitutional duties and disregard their oaths by carrying on war against the rights and institutions of the Southern States, and because the election of Lincoln and Hamlin had put the government into the hands of men who neither reverenced the Constitution, obeyed the laws, nor regarded their oaths of office.§

Now is the time to act, an editor told his readers. Let the final step of secession be taken while the federal government is in friendly hands. Much can be done before the fourth of March. Let us rally for the protection of our rights before the enemy can make good his threats to overwhelm us. Now is the time to act; let not a moment be lost.¶ We are not for submission, said another, the South

* Mobile Daily Advertiser, November 15, 1860.

† Ibid., November 16, 1860.

‡ Mobile Tribune, quoted by the New York Tribune, November 12, 1860.

§ National Intelligencer, November 20, 1860.

¶ Mississippian, November 13, 1860.

should not be a dependency. The Rubicon is passed. We must be active. South Carolina, Alabama, Arkansas have put the ball in motion. If we cannot have equality in the Union we can in the free and independent Republic of the Southern States of America.*

When news of the triumph of the Republican party reached New Orleans the streets were placarded with notices calling a meeting to form a body to be known as the Minute Men of New Orleans. At that gathering it was resolved that if any State seceded the Minute Men would aid her in any course she might take for self-defense against the federal government, and a blue cockade was exhibited as a specimen of that the Minute Men were to wear.† Popular excitement grew day by day. The blue cockade was on the hat of every man, orders for Northern goods were countermanded, and a paper circulated binding all who signed it not to ship cotton to a Northern State. The old Southern Rights Association was revived and the members pledged to aid any State that seceded in resisting any attempt to coerce her. Cutting off trade with the North, a New Orleans paper held, would give the Abolition fanatics such a foretaste of the irrepressible conflict as they had never expected. When the patronage of the South ceased, when tens of thousands of Black Republicans were turned adrift, when the cry "bread or blood" was heard in Boston, New York, and Philadelphia, then would the people rue the day they cast their votes for a Republican candidate. The only way to touch the North was through the pocket nerve. She had voted for an Abolition candidate; let her eat the fruit of her own doing.‡ When a bookseller received his usual package of *Harper's Weekly*, and found that a "prominent feature was a portrait of the ugly features of Abraham Lincoln," he sent back the lot.§

Throughout the campaign, said a St. Louis editor, news-

* Natchez Free Trader, November 13, 1860.

† New Orleans Crescent, November 11, 1860.

‡ New Orleans Commercial Bulletin, quoted by the Mobile Daily Advertiser, November 13, 1860.

§ Ibid., November 15, 1860.

papers and stump speakers held up Lincoln as an Abolitionist, a fanatic of the John Brown type, the slave of one idea, a man who, to gain his purpose, would override the Constitution and overturn the whole social fabric. Never was a public man more outrageously misrepresented. All who knew him bore witness to his calm wisdom, patriotism, and practical statesmanship.* Now that the election is over and men are able to see the folly of their acts, we say if the South suffers from any act of Lincoln or his party she alone is to blame. Let him go into the Presidential office, let him show his hand, let him say whether he will or will not carry out the Fugitive Slave law and respect the rights of all sections alike. If he refuses, then will be the time to dissolve the Union. Let there be peace till Lincoln is guilty of some overt act of oppression, justifying revolution, and then there will be but one voice heard in vindication of the South.†

Let every one, said a Tennessee editor, put his foot on disunion. It is no remedy for Southern wrongs, or at best but a madman's remedy. Lincoln will probably be elected President by a third of the voters in the United States. Shall two-thirds of the substantial people of the country throw away all the advantages of a great nationality because one-third have placed in office an odious executive? ‡ A few Southern States will in all probability go out of the Union, and, because of "Buchanan's utter lack of nerve," will be suffered to go peacefully. If a majority of the people of these States are in earnest, if after due consideration they think it better to dissolve the Union, we hope they may be allowed to go, and go in peace. A Union by force is no Union at all, and should be dissolved, and the sooner the better.§

From Kentucky also came strong protests against secession from men who would not admit the right of coercion. If, it was said, any man in the North or in the South thinks

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* St. Louis Democrat, November 8, 1860.
† St. Louis Republican, November 8, 1860.
‡ Memphis Enquirer, November 8, 1860.
§ Knoxville Whig, quoted by New York Tribune, November 29, 1860.

the election, inauguration, and administration of Mr. Lincoln will produce any effect on the interests of slavery, or on the decision of questions touching slavery, he is much mistaken.* Kentucky will not go out of the Union because of the election of Mr. Lincoln; but she will not aid him in hanging the citizens of any State for obedience to Constitutional authorities of the State. She will never permit an army of Northern mercenaries to march across her soil to force one of her Southern sisters to stay in the Union.† Kentucky is one, her people are not divided. In public meetings we will urge our sister States to wait longer. But, men of the North, no Northern army can march across our State to murder and assassinate our brothers of the South. They have cause for alarm, and if they leave the Union you shall not coerce them so long as Kentucky has an arm to strike or a soul to dare. If you Northern men love the Union, repeal your unconstitutional laws, and, our word for it, the trouble will pass away.‡ A meeting without regard to party at Lexington deplored the election of Lincoln, did not consider it a sufficient cause for secession, and was determined to stand by and uphold the Union. Under the Constitution the right of secession or nullification did not exist.§

Citizens of Bath County, Virginia, expressed like views. In Virginia public opinion was strongly in favor of delay. Lincoln has been elected by the voice of the people, remarked a Lynchburg editor, and, however unpalatable the result may be to us of the South, our duty is plain. He has as yet been guilty of no violation of the Constitution, and is entitled to forbearance until he shall enter on a policy subversive of our rights.¶ If South Carolina alone made the trouble we would say let her go, and let her stay. She has always been a disturber of the peace, and we should be better without

* Louisville Journal, November 9, 1860.

† Louisville Courier, November 10, 1860.

‡ Bowling Green Standard, quoted by the New York Tribune, November 22, 1860.

§ National Intelligencer, November 20, 1860.

¶ Lynchburg Virginian, quoted by the New York Tribune, November 12, 1860.

her. But the mania for secession is spreading, and other States are likely to be drawn into the gulf. What, then, should Virginia, the oldest of all the States, do? Send commissioners to her sisters meditating secession and urge them to await the action of a Southern convention.* Because Lincoln is elected, without waiting for an overt act, without knowing what he will propose, without waiting to see what is to follow, the South is, by the advice of two or three States, to be hurried into a revolution and, it may be, into the horrors of civil war, and the government of our fathers beaten down and destroyed. Ought this to be? † The event is the most deplorable in the history of the country; but the Union must be preserved in spite of it. In the North is an immense body of faithful citizens who have struggled hard against the baleful power of the party which hangs like a black cloud over the nation. Should not we, for their sakes, wait and struggle with them a little longer, trusting that they may yet rule the North? ‡ We fear no act from his administration, we do not believe he will trample on our rights. We are in favor of submitting to the constitutional expression of the opinion of the majority.§

During the campaign a stump speaker declared he knew from personal observation that Hamlin was a negro, and that he had it also from Northern gentlemen who authorized him to state it as a fact wherever he went.¶ Rhett in a speech at Charleston said the Republicans had elected for Vice-President a Northern white-washed or octoroon mulatto,‖ and the Democratic newspapers, taking up the old libel, asserted that "there is a strain of negro blood" in Hamlin's veins, and declared that high-toned, honorable, high-spirited, proud Southern gentlemen ought not to submit to his election.**

* Lynchburg Virginian, November 22, 1860.

† Alexandria Gazette, quoted by the New York Tribune, November 10, 1860.

‡ Richmond Dispatch, November 8, 1860.

§ Petersburg Intelligencer, November 10, 1860.

¶ W. H. Stiles at Waynesboro. Brunswick (Ga.) Advocate, quoted by Savannah Daily Republican, October 11, 1860.

‖ New York Tribune, November 24, 1860.

** Ibid., November 29, 1860.

If, said a secession journal, Providence points clearly to anything in the future, that thing is the separation of the Northern and Southern States. We cannot live together in peace because, forsooth, the Northern States are conscientious in claiming a right to meddle with our domestic institutions, and because they are greater and in a political sense the master section. We were not born to be mastered nor to submit. There is, then, no alternative but separation from those who seek to rule us, or tame submission to their yoke.*

Governor Letcher, despite the outspoken opposition to hasty action, called a special session of the legislature and bade it meet on January seventh, 1861. This he did because of the appointment of electors, a majority of whom were known to be favorable to the election of sectional candidates for President and Vice-President; because their views were believed by a large number of Southern States to be hostile to their rights and interests, and because of the general excitement prevailing in the public mind. Prudence demanded that the legislature should consider the state of public affairs and decide what should be done in the emergency.†

In the North, even among Republicans, a belief prevailed that the dissatisfied States should be allowed to secede. This belief, as set forth by the New York *Tribune,* was that all communities have the inalienable right to alter or abolish forms of government that have become oppressive; that if the cotton States were satisfied they could do better out of the Union than in it, they should be suffered to go in peace; that the right to secede might be a revolutionary right, but it existed, nevertheless, and what one party had a right to do another party had a right to prevent. "We must ever resist the asserted right of any State to remain in the Union and nullify or defy any of its laws," said the Tribune. "But to leave the Union is quite another matter. And, whenever a considerable part of our Union shall deliberately resolve to go out, we shall resist all coer-

* Clarke County Journal, November 9, 1860.
† New York Tribune, November 10, 1860.

cive measures designed to keep it in." * No single State could go out; but whenever a whole section of the Republic, whether a half or a third or only a fourth part, truly demanded a separation from the rest the *Tribune,* in all earnestness, would favor it. If fifteen States or even the eight cotton States alone say to the rest, we prefer to be separated from you, we shall insist that they be permitted to go in peace.† We would say, if you wish to leave the Union leave it, but let us have no quarrel about it. If you are better by yourselves go, and God speed you.‡

While the press of the South was urging on secession or advising delay, a flurry of alarm swept over the business world and well-nigh caused a panic. Orders from the South placed with Northern importers of spring goods, orders for shoes, machinery, manufactured articles of all sorts, orders for Northern books, papers, and magazines were canceled or countermanded; notes of banks in the States expected to secede were hurried South to be redeemed in specie; notes given in payment of goods were sent to Southern lawyers for collection, only to be returned, for payment of such debts was suspended, by common consent, till matters settled down and Southern merchants and planters knew where they stood. Everywhere business men refused to pay.§ Both North and South a sharp contraction of credit set in, banks ceased to loan or loaned with great caution, money grew scarce, and the price of it rose higher and higher. Unable to stand the strain, the Farmers' Bank of Virginia suspended specie payment on November twentieth, and gave as the cause the universal distrust and the loss of "the large money trade with the South usual at this season of the year." ¶ A meeting of Richmond merchants thereupon resolved that, in view of the unprecedented political condition of the country, the widespread and increasing financial stringency, and the prospect of greater difficulties yet to come, it was the

* New York Tribune, November 9, 1860.

† Ibid., November 16, 1860.

‡ Ibid., November 30, 1860.

§ Montgomery Mail, November 15, 1860, quoted by the New York Tribune, November 21, 1860.

¶ Richmond Enquirer, November 21, 1860.

part of wisdom for the banks of that city to suspend specie payment.* They promptly did so, and were immediately followed by the banks in Norfolk, Portsmouth, Petersburg, Washington, Baltimore, Wheeling, and by those in the District of Columbia, Philadelphia, Pittsburg, and Trenton. In New York the uncurrent money market was in a state of panic. Notes of banks in Ohio, Indiana, and Kentucky were discounted five per cent., those of Illinois, Iowa, and Missouri fifteen, and those of Virginia, the two Carolinas, Georgia, and Alabama twenty-five per cent. North Carolina then authorized her banks to suspend, and they did; those in Tennessee stopped by request of merchants and traders, and when the month ended not one in St. Louis or Charleston redeemed its notes in specie.

In Charleston the month of November was a time of joyful anticipation. The future seemed full of promise. Taught by a bitter experience, Rhett told the crowd that gathered to rejoice over the call for a State convention, we will frame a constitution the best the world has ever seen, and under that constitution and our institutions establish a Confederacy that will last for ages, and be as powerful as it will be great. All nations want our agricultural products and all nations will tender the friendships their necessities require. We will expand over Mexico, over the isles of the sea, over the far-off Southern tropics until we establish a Confederation of Republics, the greatest, the freest, the most powerful the world has ever seen.† Cotton, it was said, is King, and will enable us in peace to rule the nations of the world, or successfully encounter them in war. The millions of France and Great Britain engaged in its manufacture are a guarantee of the friendship of those nations. If need be, their armies will stand to guard its cultivation and their men-of-war line our coast to protect its transit from our ports.‡ Nowhere was the Stars and Stripes to be seen; the Palmetto and Lone Star flag was everywhere

* New York Tribune, November 23, 1860.

† Charleston Mercury, quoted by the New York Tribune, November 24, 1860.

‡ National Intelligencer, November 24, 1860.

on the shipping, over the public buildings, flapping from the windows of the shops and dwellings. A correspondent writing of what he saw declared they waved and fluttered the whole length of King Street, that in some places Palmetto trees were suspended over the sidewalks, and that the designs painted on the flags were as various as the tastes of the owners.* When the wholesale merchants of Hayne and Commerce Streets put up a secession pole the ceremony of raising the Palmetto and Lone Star flag was opened with prayer and ended with a salute of a hundred guns. When the Palmetto flag was suspended across the river at Augusta the Marseillaise, but no national song, was sung. Confident that non-intercourse would cause great suffering in the North, that Northern manufacturers and tradesmen who in times past had furnished supplies to Southern consumers would be unable to give employment to those dependent on them, that thousands of idle workmen would hurry to Charleston and the destitution of the North be transferred to the South, the Mayor put in force an ordinance forbidding steerage passengers to land unless the captain of the ship that brought them gave heavy bonds that they should not become a charge on the public.† The Mayor of Savannah did the same, and many ships were forced to carry back to New York the few steerage passengers they brought.‡

Swept away by the popular excitement, Governor Moore called a special session of the legislature of Louisiana to meet on the tenth of December. His reasons were the election of Lincoln by a sectional and aggressive anti-slavery party, whose hostility to the people and institutions of the South had been shown by long-continued violations of constitutional obligations and fraternal amity, and by this last insult and outrage perpetrated through the ballot box.§

South Carolina having decided to secede as quickly as possible, she must be armed, and how to obtain arms was suggested to Governor Gist by Thomas F. Drayton. He had,

* New York Tribune, November 28, 1860.
† Charleston Mercury, November 15, 1860.
‡ Savannah Republican, December 5, 1860.
§ New York Tribune, November 28, 1860.

with Senator Wigfall of Texas, he wrote, called on Secretary of War Floyd one day late in October to ask the price of certain muskets which had been altered from flint lock to percussion. Floyd informed him that if ten thousand were bought they would cost two dollars; if less, two dollars and a half each. As the interview was confidential and semi-official Drayton suggested that negotiations should be conducted through an agent rather than directly by the State.* Drayton was at once appointed, and by him negotiations for the purchase of government arms were carried out. Long-range rifles and rifled muskets were not to be had; but the Secretary would get twenty Sharp's rifles, if he could, and urged the purchase of ten thousand smooth bore muskets at once. Tents and artillery harness, he thought, could be bought at Philadelphia. The arms he would get from the Watervliet Arsenal at Albany. No time should be lost. The Cabinet might break up any day on differences of opinion with the President as to the right of secession, and the new Secretary of War might stop the muskets going South.† To conceal the purchase Drayton, at the suggestion of Floyd, visited Mr. G. B. Lamar, President of the Bank of the Republic at New York, and asked him to make an offer for the muskets. He consented and Floyd wrote to the Watervliet Arsenal to ship ten thousand when ordered by Lamar.‡

When December came the legislature of Georgia passed over the veto of the Governor a bill suspending payment of debts for one year, relieving banks from the penalty for failure to redeem notes in specie and citizens from levy of execution for debt.§ Alabama repealed her acts forbidding banks to suspend or send notes out of the State for discount, and provided that no plaintiff in *fi fa* should have the same

* Thomas F. Drayton to Governor Gist, November 3, 1860. Edwin M. Stanton MSS., Library of Congress.

† Drayton to Gist, November 23, 1860. Stanton MSS., Library of Congress.

‡ Floyd "was reluctant to dispose of them to me, preferring an intermediate agent." Drayton to Gist, November 23, 1860. Stanton MSS., Library of Congress.

§ New York Tribune, December 7, 1860.

levied on the property of an inhabitant of Alabama unless about to leave the State or the country.* The Grand Jury of the United States District Court at Montgomery presented the federal government as worthless and impotent and a nuisance for allowing violations of the Constitution by States nullifying the Fugitive Slave law.† A bookseller at Albany, Georgia, having received a large bundle of *Harper's Magazines,* carried it to the middle of Broad Street, sprinkled it with camphene, and set it on fire amidst the shouts of the crowd.‡ Anything Northern was now hateful. At New Orleans a secret vigilance committee appointed to investigate suspicious characters visited the house of a homeopathic doctor and ordered him to leave the State at once.§ At Charleston such a cry was raised against Northern school teachers that the legislature had the matter investigated. Nine out of seventy-seven, the report stated, were from the North, and danger to be apprehended from their teaching was purely imaginary. Some were women, and to drive them away would be dishonorable to the State. The *Mercury* printed a list of Yankee teachers imported from Abolition schools, with the names of the places they came from and the time they had been in the city.¶ A gentleman at Barnwell engaged a Northern teacher. At Blackwell, some ninety miles from Charleston, a vigilance committee stopped and questioned him, examined his trunk and chest of books, and let him go. But at Barnwell Court House he was summoned to the Court House and asked what were his ideas on slavery extension, the election of Lincoln, the irrepressible conflict, and the higher law. After he had answered, by a vote of twenty-two to nine he was politely requested to go North, and money was raised to pay his passage by the steamer from Charleston.|| A contractor building a bridge near Savannah received some newspapers

* Mobile Daily Advertiser, December 12, 1860.
† Montgomery Advertiser, December 12, 1860.
‡ New York Tribune, December 14, 1860.
§ New Orleans Bee, December 3, 1860.
¶ New York Tribune, December 11, 1860.
|| His own account is given in the National Intelligencer, November 19, 1860.

from that city on November ninth. His negroes gathered about to hear the news. One said, Lincoln is elected and we will all be free. He replied that he did not know about that. Hearing of this, the planters tried and found him guilty, gave him thirty-nine lashes, cut the hair and whiskers from one side of his head, and sent him to Savannah, whence he was taken by steamer to Boston.

All that was now needed to break the bond that held South Carolina in the hated and detested Union was the meeting of the State convention. Elections for delegates had been held on the sixth of the month, and on the seventeenth they met in the Baptist Church at Columbia. An epidemic of smallpox raged so violently that the convention at once adjourned to Charleston. There it was welcomed with demonstrations of great public joy, and at noon on the twentieth unanimously adopted "An Ordinance dissolving the Union between the State of South Carolina and other States united with her under the compact entitled 'The Constitution of the United States of America.'"

That the Ordinance would on that day be adopted was no secret. A crowd of citizens had, therefore, gathered before St. Andrew's Hall, and to them the fact that South Carolina had resumed her sovereignty was at once made known. They greeted it with cheer after cheer, and scattered to spread about the city the joyful news. An extra containing the text of the Ordinance was immediately issued from the office of the *Mercury,* and as the members of the convention left the hall the chimes of St. Michael's Church played "Auld Lang Syne." The bells of all the churches made answer, the cannon in front of the post-office fired a salute, the guns in the citadel responded, and the citizens hurried into the streets to rejoice and congratulate one another.

Signing the engrossed copy of the Ordinance took place that evening in Institute Hall before the Governor, the legislature, and the people of Charleston. Two hours were spent before the last signature was written. Then the President cried out, "I proclaim the State of South Carolina an independent commonwealth," and the hall again

resounded with wild shouts of joy, which the crowd on the street took up and repeated. All that night militia marched to and fro, bands played, bonfires blazed, dwellings and ships were illuminated, rockets were shot off and guns and pistols discharged.

On the day the convention met at Columbia the New York *Tribune* again reaffirmed its belief in the doctrine of the Declaration of Independence that "all governments derive their just powers from the consent of the governed," and that, when a government failed to accomplish the purpose for which it was founded, "it is the right of the people to alter or abolish it." If this justified the secession of three million colonists from the British Empire in 1776, why would it not justify the secession of five million Southerners from the Federal Union in 1861? The *Tribune* could not see how twenty millions could rightly hold ten millions or five millions in union with them by force. If seven or eight contiguous States came to Washington and said, "We hate the Federal Union; we have left it; we give you the choice of amicable settlement or attempting to subdue us by force," the *Tribune* could not stand for coercion. It would feel constrained by its devotion to human liberty to say, "Let them go." *

As the telegraph spread over the South the news of the Ordinance of Secession city after city hailed it with noisy demonstrations of delight. Bells were rung and a hundred guns fired in Mobile; at New Orleans the Pelican flag was unfurled, a hundred guns discharged, a meeting held, speeches made, the Marseillaise sung, and a bust of Calhoun decorated with the blue cockade. At Pensacola a hundred guns were fired; at Macon there were a salute, bell-ringing, bonfires, and a parade of Minute Men; at Memphis secession was ratified by the discharge of fifteen guns; at Wilmington and Norfolk and Portsmouth Palmetto flags were raised and saluted. A secession pole one hundred feet high was set up and the Palmetto flag raised at Petersburg, but early the next morning it was cut down and car-

* New York Tribune, December 17, 1860.

ried away. At Norfolk, to offset the proceedings of the Minute Men, the Ready Men, a Douglas-Constitutional Union body, met and raised a flag with one star obliterated, and fired a salute of thirty-two guns on the spot where, an hour before, the Minute Men held their meeting.* "Thursday," said the Charleston *Courier*, "was a day destined to become famous in the annals of history. After long years of suffering and forbearance the people of South Carolina have thrown off the yoke of an odious and infamous tyranny. We now stand a disenthralled and regenerated people, a glorious example for the brave and the free. The question has been settled, the fiat has gone forth. South Carolina shall no longer be chained to the triumphal car of an abolitionized North." †

Having dissolved the Union the convention appointed Robert W. Barnwell, James H. Adams, and James L. Orr commissioners to lay the Ordinance before the President and Congress, treat for the delivery of the forts, arsenals, and other property of the United States, for the apportionment of the national debt, and a division of all the property of the United States. As early as the close of October General Winfield Scott, well aware that secession would follow the election of Lincoln, wrote Buchanan that he feared the seizure of some or all of the nine ‡ forts along the coast of the discontented States, and that in his opinion they should immediately be so garrisoned as to make any attempt to take any one of them by surprise ridiculous.§

Of the nine only those in Charleston Harbor required instant attention. They were three in number. On an island

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* Norfolk Herald, December 22, 1860.

† Charleston Courier, December 21, 1860.

‡ Fort Monroe, Hampton Roads, partly garrisoned; Fort Maultrie, partly garrisoned; and Fort Sumter, no garrison; Fort Pulaski, below Savannah, no garrison; Fort Pickens and Fort McRee, Pensacola, with insufficient garrisons; Fort Morgan, below Mobile, with no garrison; Forts Jackson and St. Philip, on the Mississippi River, below New Orleans, both ungarrisoned. Scott's Views suggested by the imminent danger of a disruption of the Union by the secession of one or more of the Southern States, October 29, 1860. Buchanan's Administration on the Eve of the Rebellion. James Buchanan. Appendix, p. 289.

§ Scott's Views, p. 289.

half a mile from the city stood Castle Pinckney, mounting eighteen heavy guns and four howitzers. Down the harbor four miles away on the south end of Sullivan's Island was Fort Moultrie, mounting fifty-five guns. It stood on a sand spit and its walls were so low that on the sea side the sand, driven by the wind, had been piled even with the parapet, "so that cows would actually scale the ramparts." * The garrison consisted of two companies numbering sixty-four, eight officers, a surgeon, a hospital steward, and a band, eighty-four in all. South of Moultrie, across a stretch of water a mile and a half wide, was Cummings Point on Morris Island, and west of a line joining these two points and three and a half miles from town was Fort Sumter. It stood on a shoal, was still unfinished, rose directly out of the water, and should have mounted one hundred and forty-six guns, but only seventy-eight were on the ground. In Charleston was the arsenal, where twenty-two thousand muskets were stored. Powder was kept in Castle Pinckney, Colonel John L. Gardner commanded the troops.

Alarmed at the excitement which followed the election of Lincoln, and urged by his officers, Gardner on the seventh of November ordered musket ammunition from the arsenal to Fort Moultrie and lest attention should be attracted the detachment of troops sent to bring it away on a sloop wore civilian clothes and the vessel was made fast to a private wharf. Ere the loading was completed the owner of the wharf appeared, refused permission for its use, declared he had notified the Mayor, and, a crowd gathering, the storekeeper had the ammunition carried back to the arsenal.† Because of this act Gardner was promptly sent to Texas and Major Robert Anderson placed in command of the troops,‡ and Colonel Benjamin Huger put in charge of the arsenal.

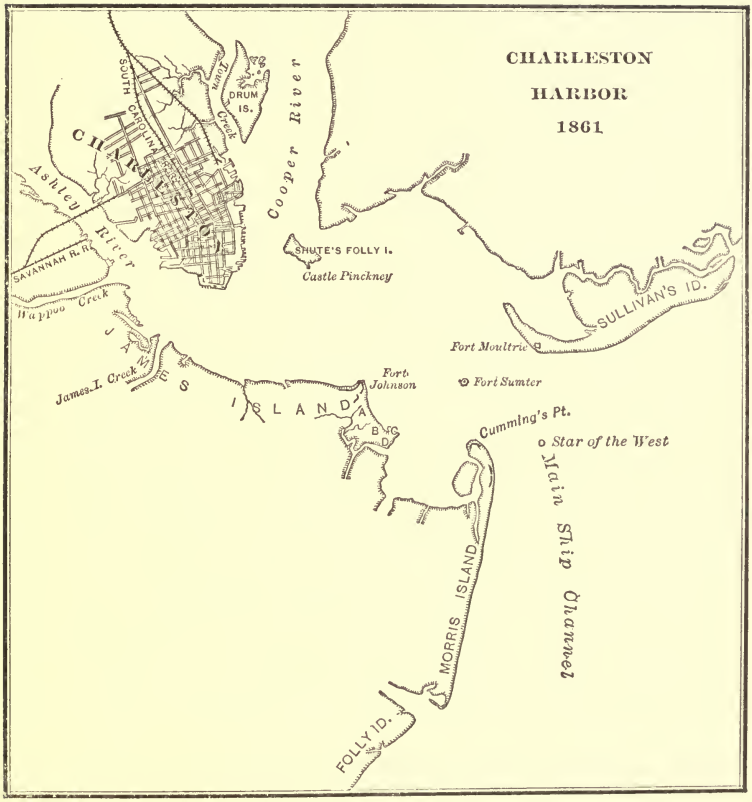
From Anderson came urgent appeals for troops,§ ap-

* General Abner Doubleday. Battles and Leaders of the Civil War, Vol. 1, p. 40.

† Official Records of the Union and Confederate Armies, Series 1, Vol. 1, pp. 69, 70.

‡ Ibid., p. 73.

§ Ibid., pp. 75, 78, 79.


CHARLESTON
HARBOR
1861
SOUTH CAROLINA
CHARLESTON
Ashley River
Cooper River
Hamp Creek
DRUM IS.
SAVANNAH R. R.
Wappoo Creek
James I. Creek
JAMES ISLAND
SHUTE'S FOLLY I.
Castle Pinckney
Fort Johnson
Fort Moultrie
Fort Sumter
SULLIVAN'S ID.
Cumming's Pt.
Star of the West
Main Ship Channel
MORRIS ISLAND
FOLLY ID.

peals to which Floyd replied that reliable information led him to believe that no attack would be made; that Anderson must be careful to do nothing which could be construed into inciting an attack; that if one were made he must defend the forts as best he could, and that to increase the force under his command would but add to the excitement and might lead to serious results.* That the wishes of the Secretary might not be misunderstood, Major Don Carlos Buell was sent to Anderson with instructions given verbally by the Secretary. After delivering them Buell, on his own motion, put them in writing. Anderson was to avoid every act that might provoke aggression, take no position that could be construed into a hostile attitude, hold the forts and, if attacked, defend them to the last extremity. To hold all three would not be possible with so few men. But an attack on any one would be an act of hostility, and he might then put his command into either which he thought best suited for defense. Indeed, he might do so whenever he had "tangible evidence of a design to proceed" to an act of hostility.†

To mark out a course of action for Anderson was easy, but for Buchanan to decide on a proper course for himself was difficult. Not only must he protect the property of the United States, but he must faithfully execute the laws in South Carolina. How could he execute the laws with no judges, no marshal, no district attorney to aid him, and no men willing to fill these posts? In this extremity the President sought advice of Black, who assured him that, so far as the duties on imports were concerned, the collector might exercise his functions anywhere within the port. No law confined him to the custom house or any particular spot. Should the custom house burn down he might remove to any other building. Should he be driven from the shore he might go on board a vessel in the harbor. If he kept within the port he was within the law.

The right of retaking property in which the government had been carrying on its lawful business, and from which

* Official Records, Series 1, Vol. 1, pp. 82-83.
† Ibid., pp. 89-90, December 11, 1860.

its officers had been unlawfully thrust, could not be doubted. When exercised at Harper's Ferry in 1859 every one acknowledged the legal justice of it. The act of 1795 gave the President authority to use the militia whenever the laws were opposed or their execution resisted by combinations of persons too powerful to be suppressed by the ordinary course of judicial procedure. The act of 1807 authorized him to use the land and naval forces for the same purpose. On the President, therefore, rested the duty of deciding whether the exigency had arisen which required the use of military force.

The laws referred to in these acts were manifestly such as were to be administered by the judges. If, therefore, the feeling against the United States became such in any State that judges, district attorneys, and marshals resigned their places, and men could not be found to fill them, the use of troops would be wholly illegal. To send a military force into such a State with orders to act against the people would, in the opinion of the Attorney General, be making war on them.

To execute the laws was something Buchanan could not bring himself to do, and while drifting along the Southerners in the cabinet played on his dread of a conflict with the South. A plan was formed to send Assistant Secretary of State Trescot to him with a demand that the forts be not reinforced, and with a threat, if he would not comply, that Trescot would resign, go at once to Columbia, and within thirty-six hours lay the matter before the Governor. In that event, Trescot was to assure the President, "there could be no earthly doubt that the forts would be occupied within the following twenty-four hours." * The scheme was not carried out, and instead Trescot was requested to write to Governor Gist.† He was to say that Buchanan was sure the people of Charleston would seize the forts, and felt bound to send reinforcements; but, if Gist would write and assure the President that were no troops sent no attempts to take the forts would be made, Buchanan would issue no

* Crawford. The Genesis of the Civil War, p. 29.
† Ibid., November 26, 1860.

orders. If he did the consequences would be on his head, not on that of the Governor of South Carolina.

Gist promptly replied that, although South Carolina was determined to secede, her authorities would do nothing to bring on a collision before the Ordinance of Secession was passed, and not then unless the President refused to surrender the forts and arsenal and attempted to interfere with imports and exports.*

While this letter was on its way North Buchanan, having finished the annual message, determined to send a copy of it to Governor Gist in advance of publication, and chose Trescot to be the bearer. He could, if any part were not understood, explain it, and, what was quite as important, bring back a true account of the real state of feeling in South Carolina.†

Trescot set off on Monday, the third of December, just as the last session of the thirty-sixth Congress was about to open. At noon on the fourth the eagerly awaited annual message was received and read, and in the House so much of it as related "to the present perilous condition of the country" was sent to a committee of thirty-three.‡ Senator Powell of Kentucky moved the appointment of a Grand Committee of thirteen to consider so much of the message as related "to the agitated and distracted condition of the country and the grievances between the slave-holding and non-slave-holding States"; but weeks passed before it was adopted.

December eighth the South Carolina members of the House followed up the work begun by Trescot and Gist and five of them in a body called on the President to obtain, if possible, assurance that no troops would be sent to Anderson. Buchanan expressed deep concern for the safety of Anderson and his men, and said he ought to do everything possible to protect their lives. The Congress-

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* Crawford. Genesis of the Civil War, p. 31. Gist to Trescot, November 29, 1860.

† Trescot's Narrative. Crawford's Genesis of the Civil War, pp. 33-34.

‡ Congressional Globe, 36th Congress, 2d Session, p. 6.

men replied that news that reinforcements were on their way would surely bring on the conflict he was so anxious to prevent. The sentiment of the State was against use of force, and they were sure the forts would not be molested before the convention had acted. But any change in the military status would excite popular feeling. Buchanan asked for a written statement of their views, and two days later it was placed in his hands.*

The Cabinet now began to go to pieces. December eighth, the day on which the South Carolina Representatives made their first visit, Secretary Cobb resigned and P. F. Thomas was promptly appointed in his stead. December tenth, the day whereon the South Carolinians delivered their memorandum, Trescot placed his resignation in the hands of Cass, who told him he, too, was about to go. December eleventh Buchanan was informed of this, and four days later Cass formally resigned. Black was then made Secretary of State and Edwin M. Stanton of Ohio became Attorney General.

Cobb left the Cabinet because "a sense of duty to the State of Georgia" made it improper for him to remain longer. Cass resigned because Buchanan refused to send troops to Anderson, would not dispatch a war ship to aid in collecting the revenue, would not remove the custom house to one of the forts in the harbor, and arrange for the forcible collection of the duties when Collector Colcock ceased to act.

December seventeenth Trescot left the Department of State to become the agent in Washington of South Carolina, and Pickens, just inaugurated Governor of that State, wrote to Buchanan politely demanding that he be allowed to place twenty-five men and one officer in Fort Sumter immediately "in order to give a feeling of safety to the community." † The bearer, who till a month before had

* Buchanan's Administration on the Eve of the Rebellion, p. 168; Crawford's Genesis of the Civil War, pp. 38-39; New York Herald, January 9, 1861.

† F. W. Pickens to Buchanan, December 17, 1860. Crawford's Genesis of the Civil War, pp. 81-83.

been the United States Marshal, was instructed to wait one day for an answer. Making his way to Washington, he was introduced to Buchanan by Trescot and duly informed that on the following morning he should have a reply. But Trescot, who from private sources knew the contents of the letter, took alarm. The demand to put soldiers into Sumter, if insisted on, would be an attempt to take one of the forts, and would relieve the President from his promise to the South Carolinians on December tenth. Trescot, therefore, consulted such of them as were then in Washington, and a telegram was sent to Pickens asking that the letter be withdrawn. The Governor telegraphed his consent, and, to the great relief of Buchanan, the letter was recalled and delivered to the bearer.*

Meantime an agent and a note from Buchanan were on their way to Governor Pickens. From common notoriety, the President said, he assumed that South Carolina was deliberating on the question of secession. While any hope remained that this could be prevented, or delayed long enough to permit the people of sister States to express their opinions, it was his duty to use every means in his power to prevent so dread a catastrophe. Therefore, he had sent Mr. Caleb Cushing to "hold communication" with Pickens, "for the purpose of changing or modifying the contemplated action" of South Carolina.†

Buchanan now replied to the note of Pickens, brought by the hand of Hamilton. He would incur, he wrote, any reasonable risk to prevent a collision between the army and navy of the United States and citizens of South Carolina in defense of the forts. But he had no power to surrender them to anybody. To do so would be an act of usurpation. What should be done was for Congress to decide. Should South Carolina attack any of the forts, she would be the assailant. It would not then be a question of coercing a State to remain in the Union, an act to which he was utterly opposed, but a question of voluntarily bring-

* Crawford. Genesis of the Civil War, pp. 81-85.

† Buchanan to Pickens, December 18, 1860. Buchanan MSS., Historical Society of Pennsylvania.

ing on a conflict of arms without consulting the only authority which had power to act in the matter.*

December twentieth, the day on which the agent of Pickens was presented to Buchanan, the agent of Buchanan was presented to Pickens, who told him "very candidly that there was no hope for the Union." † He was quite right, for on that day the Ordinance of Secession was passed, and Cushing was invited to witness the ceremony of the signing, a privilege he declined. After a few hours' stay in Charleston he hurried North.‡

The position of Anderson after secession became more serious than ever. Left without definite instructions from Washington, surrounded by a hostile population, occupying a fort commanded by sand hills he was not permitted to level, expecting to be attacked at any moment, with two guard boats ready to prevent him occupying the only defendable fort under his command, his every movement watched, Anderson now determined to abandon Moultrie and withdraw to Sumter. Save a few officers whose aid was necessary in carrying out his plan not a soul knew of his intentions till the moment for execution arrived. He had intended to go on Christmas day; but a heavy rain compelled a postponement till the twenty-sixth of December. Then, all being ready, his little sailing vessels loaded with the women and children and such supplies and stores as could be carried were sent off under pretense that they were to remain at Fort Johnson, an old barracks opposite Sumter. But the lieutenant in charge had orders to put no stores on shore, and when two guns were fired from Moultrie sail for Sumter. So well was the secret kept that about sunset, when Captain Doubleday came on the parapet and invited Anderson to tea, he was surprised by an order that in twenty minutes his men must start for Sumter. By eight o'clock that night all save a few under Captain Foster, left in Moultrie to spike the guns, hew down the flagstaff, and burn the carriages of such guns as bore on Sumter, were

* Buchanan to Pickens, December 20, 1860. Buchanan MSS.
† Crawford. The Genesis of the Civil War, p. 87.
‡ New York Tribune, December 22, 1860.

in that fort. Much of the following day was spent in moving stores and ammunition, and at noon, after a prayer and proper ceremonies, the Stars and Stripes were raised to the head of the flagstaff.*

When morning came on December twenty-seventh a cloud of smoke rising from the burning gun carriages announced to the people of Charleston that something unusual was under way at Moultrie. A boat sent down to investigate returned with the report that Moultrie was evacuated and Anderson in Sumter.† Governor Pickens thereupon bade Colonel Pettigrew and Major Capers go at once to Sumter, inform Anderson that an agreement had been made between Gist and the President that the status of the forts should not be changed, and demand that Anderson return with his men to Moultrie. As to the agreement, Anderson replied that he knew nothing of it, could get no positive orders from Washington, believed that the State troops meant to attack him, and had moved his troops on his own responsibility, as a matter of safety, as he had a right to do. "Make my compliments to the Governor and say to him that I decline to accede to his request; I cannot and will not go back." ‡

When the officers returned with Anderson's refusal the Governor acted at once, and before night fell Moultrie and Castle Pinckney were occupied by troops.§ In the city the Palmetto flag was raised over the custom house and saluted, and the collector and all the officials at once entered the service of South Carolina.‖ Over the post-office also waved the Palmetto flag; but no mails were cut off. The postmaster still sold United States postage stamps, and rendered his reports to the Postmaster General at Washington. Nor was the American Telegraph Company interfered with

* The scene was described by one who was present for the Baltimore American and quoted by the New York Tribune, January 10, 1861.

† New York Tribune, December 31, 1860.

‡ Crawford. Genesis of the Civil War, pp. 110-111.

§ Official Records of the Union and Confederate Armies, Series 1, Vol. I, pp. 108-109.

‖ Journal of the South Carolina Convention, p. 128; Charleston Courier, December 31, 1860.

in any way, for, like the post-office, its service was indispensable to the Secessionists. December thirtieth the arsenal was taken, Fort Johnson occupied, and troops sent to put up batteries on Sullivan's Island. Of all the property of the United States in Charleston and its harbor Fort Sumter alone remained under the national flag.

News of what had happened was carried to Buchanan by Jefferson Davis. One o'clock on December twenty-seventh had been fixed for the meeting of the President and the three commissioners from South Carolina, Barnwell, Adams, and Orr. Early on that day Trescot had gone to join them at their dwelling place, and while there Senator Wigfall of Texas entered the room and announced that Anderson had moved to Sumter. At first no one would believe the news, and while discussing it Floyd arrived. When told to him he exclaimed, "It is impossible; it would be not only without orders, but in the face of orders." * Trescot then hurried away in search of further information, and soon returned with two despatches for Barnwell, which he read, and remarked, "I am afraid it is too true." Both Floyd and Trescot then set off, the one to the Department of War and the other to the Capitol. From the Department Floyd telegraphed to Anderson, "Intelligence has reached here this morning that you have abandoned Fort Moultrie, spiked your guns, burned the carriages, and gone to Fort Sumter. It is not believed, because there is no order for any such movement. Explain the meaning of this report." † "I abandoned Fort Moultrie," was the explanation, "because I was certain if attacked my men must have been sacrificed and the command of the harbor lost."

At the Capitol Trescot sought out Jefferson Davis, told him the news, and the two, accompanied by Senator Hunter, went over to the White House. "Have you received any intelligence from Charleston in the last few hours?" Davis asked of the President. "None." "Then I have a great

* Crawford. The Genesis of the Civil War, p. 143.

† Official Records of the Union and Confederate Armies, Series 1, Vol. I, p. 3.

calamity to announce to you," said Davis, who proceeded to tell the tale.

"My God," exclaimed the President, "are calamities never to come singly? I call God to witness, you, gentlemen, better than anybody, *know* that this is not only without, but against my orders. It is against my policy." Then he doubted that the telegram could be true, could not understand why the War Department knew nothing of it, and sent a messenger to find Floyd. His visitors urged him to act at once, told him in all probability Pinckney and Moultrie would be seized and Sumter attacked, and that if he would only say that he would restore the status of the forts the mischief might yet be remedied. Buchanan hesitated, said he could not condemn Anderson unheard, that he must call a cabinet meeting. Nobody asked, he was assured, that he condemn Anderson unheard. All he need say was, that if Anderson had moved to Sumter before attacked he would restore the status of the forts. He would not say so, and the visitors left.*

No meeting with the Commissioners was held that day; but on the next he received them, not as commissioners, but as private gentlemen. They reminded him of the agreement made a few weeks before with the South Carolina delegation, asserted that it had been kept by South Carolina, which could at any time have seized the forts, declared that the occupation of Sumter had violated the agreement, and that his personal honor required him to order a return to Moultrie. "Mr. Barnwell," said he, "you are pressing me too importunely; you don't give me time to consider: you don't give me time to say my prayers. I always say my prayers when required to act upon any great state affair," † and so the interview ended.

On the following morning the Commissioners sent to the President a copy of the Ordinance of Secession and a letter setting forth their authority to treat for a surrender of the forts, magazines, light-houses and other real estate in South Carolina, for an apportionment of the public debt,

* Crawford. The Genesis of the Civil War, p. 144.
† Ibid., p. 148.

and for division of the public property held by the United States as agent for the Confederated States.* It would have been their duty to state that they were ready to negotiate on all the questions raised by the adoption of the ordinance; but the events of the last twenty-four hours made it necessary to suspend negotiations till an explanation of Anderson's act removed all doubt as to the spirit in which the negotiation would be conducted. The letter ended with an urgent request for the immediate withdrawal of all troops from Charleston harbor.†

Buchanan made haste to draft a reply and read it to his Cabinet. The original paper disappeared long ago, but the character of its contents may be judged from the fact that Toucey approved, that Black, Holt, and Stanton dissented because the President yielded too much, and Floyd, Thompson, and Thomas because he yielded too little. What to do Buchanan knew not, so he took the objections into consideration.

Before the Cabinet adjourned that night Floyd resigned.‡ A formal letter of resignation followed and Holt was put in charge of the War Department. And now Black thought seriously of resigning because of the position taken by Buchanan in the proposed reply to the Commissioners. But when an interview with Buchanan ended it had been agreed that Black should make such changes as he pleased in the letter and the draft was placed in his hands. We are told that he went at once to the office of Stanton, where the amendments were made. Every word and sentence intimating that South Carolina was in a position which enabled the President to treat with her, negotiate with her, receive her commissioners must be stricken out. Every expression of regret that the commissioners were unwilling to negotiate should be stricken out. No intention of willingness to negotiate concerning the forts, no proposal of adjustment or arrangement should be given. The implied assent to the

* Official Records of the Union and Confederate Armies, Series 1, Vol. I, p. 109.

† Official Records, Series 1, Vol. I, pp. 109-110.

‡ Floyd to Buchanan, December 29, 1860. National Intelligencer, January 1, 1861.

charge of the commissioners that a compact binding the President not to take measures to defend the forts existed must be stricken out and a flat denial of such a bargain inserted. The remotest expression of a doubt of the propriety of Anderson's conduct must be carefully avoided. The idea that any wrong was done South Carolina by the movement from Moultrie to Sumter ought to be repelled. The memorandum closed with an entreaty that the *Brooklyn* and the *Macedonian* be sent at once to Charleston, and a messenger to Anderson "to let him know that this government will not desert him," and that supplies and reinforcement should be despatched from New York and Old Point Comfort at once.*

How much Buchanan profited by the criticism is manifest from his reply to the Commissioners. He stood, he said, by his position as stated in the annual message, wished that Congress would make such disposition of the matter as would prevent civil war over the forts in Charleston Harbor, explained the alleged pledge, and denied that the South Carolina representatives did or could enter in any agreement. When news came of Anderson's movement his first impulse was to order him back to Moultrie. But ere this could be done the Palmetto flag was raised over Castle Pinckney and Moultrie, over the custom house and the post-office in Charleston, and the collector, the surveyor, the naval officer, all the officials of the customs resigned. Under these circumstances he was asked to withdraw the troops from Charleston Harbor, and was told, unless he did, negotiation was impossible. "This," he wrote with some show of firmness, "I cannot do: this I will not do." †

On the first day of the New Year the Commissioners replied in a manner so insolent that Buchanan sent back the letter,‡ and the next day gave his first sign of manly resistance. He named Peter McIntire to be collector of the port of Charleston; but the Senate never confirmed the nomination.

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* Crawford. The Genesis of the Civil War, pp. 153-155.

† Official Records, Series 1, Vol. I, pp. 115-118, December 31, 1860.

‡ Ibid., pp. 121-122.

As the South had welcomed the secession of South Carolina with bell ringing and cannonading, so the cities of the North now rejoiced over the bold and resolute act of Anderson. At Wilmington, Delaware, at Trenton, and at Reading twenty-one guns were fired in his honor, and at Philadelphia and Allentown and Burlington, Vermont; at Utica and Schenectady thirty-three, and on the Boston Common one hundred. At Philadelphia a meeting to consider what measures should be adopted to aid the federal and State governments was held at the Board of Trade, and two resolutions were offered. One denied the right of secession and recommended that the militia of Pennsylvania be put on a war footing. The other, by Judge Lewis, denied the right of secession, but declared it would be well to acknowledge the independence of seceding States instead of waging unlawful war upon them. Both were referred to a committee to report two days later. At the second meeting the committee made no report and the attempt of many to force the adoption of the Lewis no-coercion resolution caused such excitement and disorder that the meeting adjourned. But another meeting was at once called, Lewis put in the chair, and resolutions denouncing the personal liberty laws and approving the Crittenden resolutions were carried.* At a great mass meeting on the same evening it was resolved to sustain Anderson and defend the flag.† In Delaware the commissioner from Mississippi addressed the legislature in a strong Southern speech and invited Delaware to join the Southern Confederacy, but the legislature expressed "unqualified disapproval of the remedy for existing difficulties suggested by the resolutions of the legislature of Mississippi." ‡

As the eighth of January approached the recollection of the firm and patriotic way in which Jackson met nullification in 1832 linked his name with that of the hero of the hour, and on Jackson Day bells were rung and cannon fired for Jackson, Anderson, and the Union in

* New York Tribune, January 4, 7, 1861.
† Ibid., January 7, 1861.
‡ Ibid., January 4, 1861.

Bath, in Rutland, in Bennington, in St. Albans, and in a score of other towns, and the New York *Tribune* announced that "about the time this journal reaches our readers this morning" the gallant Anderson and his devoted band "will see steaming toward them the *Star of the West* under command of Captain McGowan with the Stars and Stripes at her peak, bringing aid and succor, men and munitions to the beleaguered fortress." * On the same day the *Constitution*, a Washington newspaper, contained a like statement. Both were true, for, on January fifth, at five o'clock in the afternoon, she started from New York, received from a tug off Staten Island two hundred men, and at nine o'clock passed Sandy Hook and put to sea. The same day a letter was sent to Anderson informing him of what had been done.

Steaming southward, the *Star of the West*, with her company of raw recruits, arrived off Charleston after one o'clock on the morning of January ninth, and groped about in the dark till four o'clock, when the light on Sumter was descried and the Captain, knowing where he was, dropped anchor. All coast lights were extinguished and the anchor buoy marking the channel across the bar was gone. Just before dawn a steamer lying off the main channel ran out and burned a blue and two red lights. Receiving no response to the signals she steamed up the channel. When daylight came the *Star of the West* crossed the bar and made her way up the channel, with the steamer ahead firing rockets and burning lights as she went. Nothing happened till the *Star of the West* was a mile and three-quarters from Sumter when, from near a red Palmetto flag on the north shore of Morris Island, a masked battery opened fire. Most of the shots passed over her; one just missed the machinery, another the rudder; but one struck her in the fore chains two feet above the water line. Neither Sumter nor Moultrie, says Lieutenant Woods, fired a gun. Finding it impossible to reach Sumter, and fearing to be cut off by a schooner coming down in tow of a steamer, the *Star of the*

* New York Tribune, January 8, 1861.

West turned about, put to sea, and on January twelfth was back at New York.*

Why did not Sumter reply? Captain Doubleday states that, happening to be on the parapet with his spyglass shortly after daylight on that memorable morning, he saw a large steamer pass the bar and enter the channel. Her flag showed she did not belong to the navy, so he concluded she must be the *Star of the West.* But, when the first shot was fired and she ran up an immense garrison flag at the fore, Doubleday wakened Anderson, who ordered the long roll beaten and the men posted on the parapet. By the time the guns were manned the *Star of the West* had passed the masked battery and was coming within range of Moultrie, which opened fire from one or two guns.† The letter sent to Anderson from New York on January fifth had not been received. Having no orders he hesitated. Lieutenant Meade, who soon joined the Confederacy, advised him not to fire lest it should bring civil war. The advice was taken and Sumter remained silent. An attempt was made to answer the signals of the *Star of the West,* but the halyards were fouled, the flag could not be raised, and Captain McGowan turned about and the supreme opportunity in the life of Anderson was lost forever. One gun from Sumter would have changed the current of events.

No sooner had the transport disappeared from view than Anderson held a council and under its advice dispatched an officer with a letter to Governor Pickens. Two of your batteries, he wrote, have fired on an unarmed vessel carrying the flag of the United States. As he had not been notified that war had been declared by South Carolina he could not but think this hostile act had been committed without the governor's consent. Under that hope, and that alone, did he refrain from firing on the batteries. If not

* Report of Lieutenant Charles R. Woods, in command of the troops. Official Records, Series 1, Vol. I, pp. 9-10. I have used almost the words of Lieutenant Woods.

† "The shots from Moultrie, which, though harmless and out of range of the steamer, still gave evidence that hotter work was on hand if further attempt was made to proceed." Charleston Courier, January 10, 1861.

disclaimed he should regard it as an act of war and, after waiting a reasonable time for the return of his messenger, he would not permit any vessel to come within range of his guns.* "The act," wrote Pickens in reply, "is perfectly justified by me. In regard to your threat to vessels in the harbor it is only necessary to say that you must judge of your own responsibilities." †

But Anderson now changed his mind, and that evening sent Lieutenant Talbot to Governor Pickens with the request that he be allowed to go to Washington with dispatches. The Governor consented and Talbot set off.‡

Again delay was ill timed, for, on the eleventh, four hulks were sunk at the harbor entrance and Judge Magrath, Secretary of State, and Jameson, Secretary of War of South Carolina, came down to Fort Sumter and demanded its surrender. Anderson refused; but offered, if South Carolina would send an agent to present the demand to Buchanan, to dispatch an officer to "represent the condition of the fort" that the government might "form its own judgment." Pickens gladly accepted the offer and Lieutenant Hall representing Anderson and I. W. Haynes, Attorney General of South Carolina, started for Washington with the demand.

But the situation was not what Anderson supposed it to be. Following the example of South Carolina, State after State had seized the forts and property of the United States. Georgia had taken Fort Pulaski; § Florida, the arsenal at Apalachicola, Fort Marion at St. Augustine, and Forts Barrancas and McRae, and the navy yard at Pensacola, and had demanded the surrender of Fort Pickens; ¶ Alabama, the arsenal at Mount Vernon, and Forts Morgan and Gaines; ‖ Mississippi, the forts on Ship Island; ** and Louisiana, Forts Jackson, St. Philip, and Pike, and the arsenal at

* Official Records, Series 1, Vol. I, p. 134.
† Ibid., p. 135.
‡ Ibid., p. 140.
§ Ibid., pp. 318-319.
¶ Ibid., pp. 332-333.
‖ Ibid., pp. 327-328.
** Ibid., p. 329.

Baton Rouge,* and the newspapers which announced the firing on the *Star of the West* announced that Florida, Alabama, and Mississippi had adopted ordinances of secession.†

When the month ended Georgia had left the Union and Senators and Representatives from Georgia, Florida, Alabama, and Mississippi had left Congress; in Louisiana an ordinance of secession and in Arkansas a bill calling a convention had been submitted to the vote of the people; North Carolina, Tennessee, and Missouri had called conventions; South Carolina, Georgia, Alabama, and Florida had chosen delegates to the Southern Congress to meet at Montgomery, and the Governor of Mississippi had planted a four-gun battery on the banks of the river and ordered that all boats from the North be stopped and examined.‡

Meanwhile Northern legislatures had not been silent. New York pledged the President whatever aid in men and money he might need to enforce the laws and uphold the authority of the federal government, and thanked the Union-loving citizens of Delaware, Maryland, Virginia, North Carolina, Kentucky, Tennessee, Missouri, who labored with devoted patriotism "to withhold their States from the vortex of secession." § Copies having been sent to the Governors of the several States, Virginia returned hers "with the request that no such resolutions be again sent to this General Assembly," ¶ and the Georgia Convention unanimously approved the patriotic conduct of Governor Brown in taking possession of Fort Pulaski, asked him to hold it and send a copy of its resolution to New York.‖ Tennessee requested her executive to inform the Governor of New York that whenever that State should send an armed force into the South the people of Tennessee would,

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* Official Records, Series 1, Vol. I, pp. 489-491.

† New York Herald, January 12, 1861.

‡ Memphis Avalanche, January 17, 1861; Memphis Appeal, January 17, 1861; Memphis Evening Argus, January 16, 1861, quoted by New York Tribune, January 24, 1861.

§ Resolutions of January 11, 1861.

¶ Virginia Resolutions, January 17, 1861.

‖ Messages from the Governors, State of New York, Vol. 5, pp. 314-315.

as one man, "resist such invasion of the soil of the South at all hazards, and to the last extremity." *

Ohio expressed a firm attachment to the Constitution and the Union, declared the federal government could not permit the secession of any State, pledged her power and resources when needed for the maintenance of the Constitution and the laws, and thanked the patriotic citizens who had labored and still labored "to withhold their States from the vortex of secession." †

Virginia invited such free and slave-holding States as were willing to join with her in an earnest endeavor to adjust the present unhappy controversy to send delegates to a convention to be held at Washington on the fourth of February "to consider and if possible agree upon some suitable adjustment." ‡

Tennessee extended an invitation to the slave-holding States to send delegates to a convention at Nashville on February fourth "to digest and define a basis" on which the Union and the rights of the slave States might be preserved. §

Wisconsin adopted the resolutions of New York, ¶ and so did Massachusetts. || Pennsylvania adopted "the sentiment and language of President Andrew Jackson that the right of the people of a single State to absolve themselves at will, and without the consent of other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union cannot be acknowledged." **

Nor had Congress been idle. The appointment of the committee of thirty-three had been followed by resolutions suggesting remedies of all sorts for the preservation of the Union. Some proposed amendments to the Constitution forbidding Congress to interfere with inter-State slave

* Resolutions of January 18, 1861.
† Resolutions of Ohio, January 12, 1861.
‡ Resolutions of January 19, 1861.
§ Resolutions of January 22, 1861.
¶ Resolutions of January 21, 1861.
|| Resolves, January 23, 1861.
** Adopted, January 24, 1861.

trade; requiring Congress to protect slavery in the Territories and the right of transit of slaves through free States; to admit new States with or without slavery as their constitutions required; and dividing the territories by the line 36° 30′.

These and many more resolutions of a like kind were referred to the Committee of thirty-three, which, on the fourteenth of January, presented a majority and seven minority reports. That from the majority was really from a minority, for the members from the cotton States withdrew when they could not obtain a resolution declaring Congress was bound to protect slave property on land and sea. Such as it was it denounced all attempts of the States to hinder the recovery of fugitive slaves as unconstitutional; invited the States to revise their statutes and repeal all acts tending to obstruct the return of fugitives from labor; recognized no power outside of a State to meddle with slaves or slavery in each State; declared "that we are not sent here to destroy, but to sustain" the institutions of the country; called on the States to faithfully observe their Constitutional obligations to each other and to the federal government, and on the government to enforce the laws, protect federal property and preserve the Union; and on each State to enact such laws as should punish the lawless invasion of any other State or Territory.

A joint resolution was submitted, proposing that the Constitution be so changed that no amendment having for its object any interference with slavery should originate with any free State, or become valid without the assent of every State in the Union. Of three bills reported, one provided for the admission of New Mexico, including Arizona, as a State; another required that every fugitive from labor be tried in the State from which he fled; and the third that every person charged in any State with treason, felony, or other crime, and who, having fled from justice, was found in another State, should be tried where the crime was committed.

Four days after the House Committee of thirty-three reported Crittenden presented a plan of compromise to the

Senate. It consisted of four resolutions and six articles offered as a proposed amendment to the Constitution. Across all the territory then held or thereafter to be acquired by the United States the line thirty-six thirty was to be drawn. North of it slavery was to be forbidden; south of it slavery was not to be interfered with by Congress, but protected by all departments of the territorial government, and any State formed in the territory, whether north or south of thirty-six thirty, should be admitted with or without slavery, as its constitution might provide. Congress was to have no power to abolish slavery at places under its exclusive jurisdiction and within slave-holding States; no power to abolish it in the District of Columbia while it existed in Maryland or Virginia, nor without compensation, nor without the consent of the people of the District; no power to forbid the transportation of slaves between slave-holding States and Territories; owners of rescued fugitive slaves were to be compensated by the federal government; no future amendment to the Constitution should affect these five articles, and no amendment should ever give Congress power to abolish or interfere with slavery in any slave-holding State.

But there were "other causes of dissension" which came "within the jurisdiction of Congress" and might "be remedied by its legislative power." Therefore four resolutions were submitted, one declared that the laws for the recovery of fugitive slaves were in accordance with "the mandatory provisions of the Constitution," that the slave-holding States were entitled to a faithful execution of them, and that laws to punish those who defeated their execution ought to be enacted. The second expressed the earnest recommendation of Congress that all personal liberty laws be repealed; the third declared that the Fugitive Slave law ought to be so amended as to make the Commissioner's fee the same whether the fugitive was or was not sent back to slavery. The fourth called for a thorough execution of all laws for the suppression of the African slave trade.

The same day that Crittenden offered his compromise scheme, January eighteenth, the Senate adopted the resolution of Powell for the appointment of a grand Committee

of thirteen, and on the twentieth Vice-President Breckinridge named the members. Among them were three from the border slave States, and two from the States preparing to secede; three were Northern Democrats; and five were Republicans.

Thus constituted the Committee went seriously to work at once and soon agreed that no proposition should be reported as adopted unless voted for by a majority of both classes of Senators, the Republicans forming one class and all others another class. Propositions were then made by Toombs, by Davis, by Doolittle, by Douglas, and by Crittenden, who offered his plan of compromise. This the Committee at once took under consideration, and one by one the six articles of the proposed amendment to the Constitution were put to vote. On the first article Northern Democrats and members from the border States voted yes; Davis, Toombs, and all the Republicans voted no. On the second, third, fourth, fifth, and sixth articles all the Republicans voted no; Davis, Toombs, all the Northern Democrats and members from the border States voted yes. On the first and second resolutions the Republicans again voted no; and all the others yes. The third and fourth were unanimously adopted.

Having defeated the Crittenden Compromise it now became the Republicans to state what they would accept, and on the twenty-fourth Seward, in their behalf, offered three propositions. One called for an amendment to the Constitution providing that it should never be so altered as to authorize Congress to abolish or meddle with slavery in the States; another called for an amendment to the Fugitive Slave act granting the fugitive a trial by jury. The third proposed that the legislators of the States be requested "to review all their legislation affecting the rights of persons recently resident in other States," and to repeal such acts as were contrary to the Constitution of the United States or the laws made in pursuance thereof.

The first was agreed to; the second and third were lost; and on the last day of the year the Committee reported that it was unable to agree upon any general plan of adjustment

125
120
115
110
105
100
BRITISH POSS.
PACIFIC OCEAN
Vancouver I.
C. Flattery
Port Townsend
Ft. Colville
WASHINGTON TERRITORY
Olympia
Portland
Cowlitz
Oregon City
Salem
OREGON
1859
Snake R.
Ft. Benton
Missouri R.
Ft. Williams
DAKOTA TERRITOR
Yellowstone
Ft. Hall
Bear R.
BLACK HILLS
Ft. Pierre
Wounded Knee
Lava Beds
C. Mendocino
Humboldt R.
NEVADA TER.
Great Salt Lake
Ogden
Great Salt Lake City
UTAH TER.
NEBRASKA TERRITOR
Platte
Marysville
Carson City
Sacramento
Stockton
San Francisco
San Jose
CALIFORNIA
Denver
COLORADO TERRITORY
Pueblo
KANSAS
1861
Los Angeles
San Diego
Colorado R.
NEW MEXICO TERRITORY
Albuquerque
Santa Fe
Canadian R.
Gila R.
Tucson
El Paso
Rio Grande
TEXAS
Austin
San Antonio de Bexar
Corpus Christi
G. OF CALIFORNIA
LOWER CAL.
MEXICO
Union States.
Union Territories.
Confederacy
States seceded before March 4, 1861.
States seceded after March 4, 1861.
Territory controlled by the Confederacy.
115
110
105
Longitude
100

95
90
85
80
75
70
65
Winnipeg
Lake Superior
Lake Michigan
Lake Huron
Lake Erie
Lake Ontario
St. Lawrence
CANADA
MINNESOTA
WISCONSIN
MICHIGAN
NEW YORK
VERMONT
NEW HAMPSHIRE
MAINE
St. Paul
Mankato
Lacrosse
Madison
Dubuque
Racine
Milwaukee
Grand Rapids
Lansing
Detroit
Buffalo
Albany
Montpelier
Augusta
Bangor
Portland
Concord
Boston
Providence
Rhode I.
IOWA
Des Moines
Council Bluffs
Iowa City
Davenport
Chicago
Burlington
Peoria
Bloomington
Ft. Wayne
Toledo
Cleveland
Erie
Pittsburgh
Harrisburg
Philadelphia
New York
Brooklyn
Newark
Trenton
NEW JERSEY
Wilmington
DELAWARE
Baltimore
Washington
Annapolis
Richmond
Norfolk
Quincy
Springfield
Indianapolis
Columbus
Zanesville
Wheeling
Cincinnati
Covington
Charleston
Kansas City
St. Louis
Jefferson City
Terre Haute
Frankfort
Lexington
Louisville
Lynchburg
Petersburg
Raleigh
C. Hatteras
Hatteras Inlet
Cairo
Paducah
Nashville
Knoxville
Greensboro
Charlotte
Wilmington
Van Buren
Ft. Pillow
Memphis
Chattanooga
Murfreesboro
ARKANSAS
Little Rock
Dalton
Columbia
SOUTH CAROLINA
Georgetown
Atlanta
Augusta
Charleston
Port Royal
Savannah
Macon
Milledgeville
Columbus
Shreveport
Vicksburg
Jackson
Montgomery
Talahassee
Jacksonville
Port Hudson
Mobile
Pensacola
Olustee
Baton Rouge
Ft. Pickens
New Orleans
Ft. St. Philip
Galveston
Ft. Jackson
Tampa
GULF OF MEXICO
ATLANTIC OCEAN
BAHAMA ISLANDS
Nassau
Florida Strait
Key West
THE UNITED STATES
in 1861
SCALE OF MILES
0 100 200 300 400 500
from Greenwich
L.L. POATES ENGRVG CO., N.Y.

and the first attempt to compromise ended in failure. The second was made by members of Congress from the fourteen border free and slave States.* They met on January third, put Crittenden in the chair, listened to propositions of many sorts, and appointed a committee of one from each State to consider them. The report called for repeal of all personal liberty laws; amendment of the Fugitive Slave law so as to prevent kidnapping; prohibition of the African slave trade; the line thirty-six thirty across the Territories; for the admission of no new State till its population was sufficient to entitle it to one member of Congress; and for an amendment to the Constitution forbidding Congress to meddle with slavery in the States, or abolish it in any place within its jurisdiction without consent of the States in which such places were. This attempt likewise came to naught.

Nothing could now stop secession in the South and, on the ninth, tenth, and eleventh of January, Mississippi, Florida, and Alabama seceded. Before the Alabama convention adjourned it requested the people of the fourteen other slave-holding States to send delegates to a convention to meet at Montgomery in February to consult as to the best mode of securing harmony of action in whatever was most desirable for their common peace and security.† On the nineteenth of January Georgia passed her Ordinance of Secession.

January twenty-first the Senators and Representatives from Georgia, Florida, and Alabama withdrew from Congress, as had those from Mississippi nine days before, and the Senate passed the House bill of the last session admitting Kansas into the Union as a free State, under her Wyandotte constitution.‡ By that time Louisiana had seceded,§ and the day of meeting of the Southern convention had, at the request of Mississippi,¶

* New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Ohio, Kentucky, Indiana, Illinois, Tennessee, Arkansas, Missouri, Iowa.

† New York Herald, January 12, 1861.

‡ New York Herald, January 31, 1861; Congressional Globe.

§ Her ordinance was adopted by the convention on January 25, 1861.

¶ January 29, 1861.

been moved forward from the fifteenth to the fourth of February.

In all the border States the movement for secession met with strong opposition. The Governor of Maryland flatly refused to summon the legislature in special session that a convention might be called. The new Governor of Virginia was no friend to the North nor to the Union. He would gladly see New England and Western New York sloughed off and suffered to join Canada if they wished. Yet he opposed the call of the convention which met at Richmond in February.* In North Carolina the people were required to choose delegates to a State convention and at the same time vote on the question, Shall the convention meet? Delegates were elected, but the majority against their meeting was six hundred and fifty-one.† No convention was called in Kentucky. In Tennessee the majority against a convention was nearly twelve thousand.‡ Missouri voted down secession by eighty thousand majority and not one disunion delegate was elected.§ The people of Arkansas voted for a convention, but the union majority was nearly fifty-seven hundred.¶ In Texas a People's convention assembled || without a call from the legislature, passed an ordinance of secession and submitted it to popular vote, and elected delegates to the Southern Congress at Montgomery. February twenty-third the ordinance was approved at the polls,** and March fourth the convention declared Texas out of the Union. Now there were scattered over Texas some twenty-five hundred federal troops under command of General Twiggs. Twice since the first of December he had asked for instructions, but received none. Not till after he asked to be relieved †† that he might follow the fate of his native

* February 13, 1861.

† Election was held January 28, 1861. The vote was 90,000. Of the 120 delegates, 38 were Secessionists.

‡ February 9, 1861.

§ February 18, 1861.

¶ February 18, 1861. The majority was 5,699.

|| January 28, 1861.

** Yeas, 34,794; nays, 11,235.

†† January 15, 1861.

State, Georgia, did the President act and appoint in his stead Colonel Waite. It was then too late; for Twiggs, in obedience to a summons * from the People's convention, surrendered all the posts and military property of the United States,† and was dismissed from the army of the United States "for his treachery to the flag of his country." ‡

On the fourth of February delegates from the six States then out of the Union met at Montgomery, put Howell Cobb in the chair, adopted a "constitution for the provisional government of the Confederate States of America," elected Jefferson Davis provisional President and Alexander H. Stephens provisional Vice-President, and appointed committees to report designs for a flag, a seal, a coat of arms, and suggest a motto for the new confederacy, and a permanent constitution to be submitted to the States.

Early in February the two Presidents, Lincoln and Davis, left their homes and set out, the one for Washington, and the other for Montgomery. The journey of Davis was one long ovation. In the course of it he made more than a score of speeches, expressing his belief that war was inevitable and calling on his hearers to be prepared. To those who came to see him take the oath of office he said, "If we may not hope to avert war we may at least expect that posterity will acquit us of having needlessly engaged in it. Doubly justified by the absence of wrong on our part and by wanton aggression on the part of others, there can be no cause to doubt that the courage and patriotism of the people of the Confederate States will be found equal to any measure of defense which honor and security may require." § For

* February 17, 1861.

† February 18, 1861.

‡ Official Records, Vol. I, p. 597. After dismissal Twiggs wrote to Buchanan: "Your usurped right to dismiss me from the army might be acquiesced in, but you had no right to brand me as a traitor. This was personal and I shall treat it as such, not through the papers, but in person. I shall most assuredly pay a visit to Lancaster for the sole purpose of a personal interview with you. So, sir, prepare yourself." Twiggs to Buchanan, East Pascagoula, Mississippi, March 30, 1861. Stanton MSS., March 22. From New Orleans Twiggs wrote Secretary of War Holt to the same effect.

§ War Between the States. Alexander H. Stephens, Vol. 2, p. 340.

Secretary of State Davis chose Robert Toombs; for Secretary of the Treasury, C. G. Memminger; for Secretary of War, L. P. Walker; for Secretary of the Navy, S. R. Mallory; for Postmaster General, J. H. Reagan, and for Attorney General, Judah P. Benjamin.

The journey of Lincoln was likewise one continuous ovation. Crowds came to greet him in every city and town through which he passed. At Indianapolis guns were fired and an escort accompanied him to the Capitol, where he addressed the legislature. Coercion and invasion, said he, are words now much used with temper and hot blood. What do they mean? Would marching an army into South Carolina be invasion? I think it would, and it would be coercion if South Carolina were forced to submit. But if the United States were forced to retake its own forts, collect duties, or withhold the mails when habitually violated would any or all of these things be invasion or coercion? He thought not.* By what right might a State, he asked, being not more than a fiftieth part of the nation in soil and population, "break up the nation and then coerce a proportionally larger subdivision of itself in the most arbitrary way? What mysterious right to play tyrant is conferred on a district of country with its people by merely calling it a State? Fellow citizens, I am not asserting anything: I am merely asking questions for you to consider." Passing on to Cincinnati, he said to the Kentuckians present in the crowd, "We mean to treat you, as near as we possibly can, as Washington, Jefferson, and Madison treated you. We mean to leave you alone, and in no way to interfere with your institutions; to abide by all and every compromise of the Constitution." At Columbus Lincoln addressed the legislature of Ohio. At Pittsburg he remarked that in each short address he had made to the people there had been some allusion to the distracted state of the country. It was natural to expect that he should say something on the subject; but to touch on it would lead to an elaborate discussion of a great many questions and commit him on matters not fully developed. The condition

* New York Tribune, February 12, 1912.

was an extraordinary one, and he intended to give it all consideration possible before speaking, so that, when he did speak, what was said might be as nearly right as possible. Despite the trouble across the river there was no crisis, but an artificial one. "What is there to warrant the condition of affairs presented by our friends over the river? If the American people will only keep their temper both sides of the line the troubles will come to an end and they will prosper as heretofore." *

From Pittsburg he went to Cleveland, where his speech was much the same. The crisis was artificial. It was argued up and could not therefore be argued down. Let it alone, then, and it would go down of itself. What was the matter with the people in the cotton States? "Have they not all the rights now that they ever had? Do they not have their slaves returned now as ever? Have they not now the same constitution they have lived under for seventy years? Why all this excitement?" † At Erie and Buffalo he spoke in the same strain.‡ At Utica a joint committee from the legislature met him and escorted him to Albany, where he was given a great reception and addressed the legislature. His route was now down the Hudson to New York and on to Philadelphia, where, on the morning of Washington's Birthday, he attended a great gathering before Independence Hall, raised a flag over that historic building, and made a speech. One remark was full of significance. "There need be no bloodshed, no war," said he. "There is no need for it, and there will be no bloodshed unless it be forced on the government. The government will not use force unless force is used against it." Later in the day he was welcomed to Harrisburg by Governor Curtin and formally received by the legislature.

Warnings of a plot to assassinate him as he passed through Baltimore now reached him, warnings so worthy of belief that he was persuaded to leave the party and go by special train to Washington, which he reached early in the

* New York Tribune, February 16, 1861.
† Ibid.
‡ Ibid., February 18, 1861.

morning of February twenty-third. There he was visited by Buchanan, Douglas, Breckinridge, the Mayor and municipal council of Washington, and by the peace convention headed by its chairman, ex-President John Tyler.

To the invitation of Virginia fourteen States had responded when the conference met on the fourth of February. Delegates from seven more attended later.* Sessions were held with closed doors. On the fifteenth a committee presented a report which, after debate and amendment, was adopted on the twenty-sixth and on the following day sent to Congress. The House, on March first, refused to suspend its rules to receive the resolution, and the Senate in the closing hours of the session rejected it by a great majority. Nevertheless Congress sent to the States a proposed thirteenth amendment, which Maryland and Ohio promptly approved.†

The third of March fell on a Sunday; but such was the press of business that the Senate assembled at seven in the evening and remained in session till seven in the morning, when it adjourned to meet again at ten. Shortly before twelve, Hamlin was escorted to the chamber and after Breckinridge delivered his farewell address, took the oath of office. Members of the House, the Diplomatic Corps and finally the Justices of the Supreme Court arrived, and now there was a long wait for it was after one o'clock when the Presidential party reached the chamber and marched to the platform in front of the Eastern portico, where the President-elect was presented to the people by Senator Baker of Oregon. As Lincoln came forward to read his inaugural, he was, for a moment, at a loss where to put his hat; but Douglas, who stood near by, stepped forward and took and held it till Lincoln had finished reading. He had,

* The free States represented were: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Kansas. The slave States were: Delaware, Maryland, Virginia, North Carolina, Kentucky, Tennessee, Missouri.

† "No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State." Passed by the House, February 28, and by the Senate, March 2.

he said, no purpose directly or indirectly to interfere with slavery in the States where it existed, believed he had no lawful right to do so, and had no inclination to do so. The Union of the States he considered everlasting. No government ever had a provision in its organic law for its own destruction. Even if the United States were but an association of States bound together by a contract, that contract could not peaceably be unmade by less than all the parties who formed it. One party might violate, might break it; but was not the consent of all necessary to lawfully end it? No State, of its own mere motion, could go out of the Union. Resolves and ordinances to that effect were legally void, and acts of violence in any State, or States (against the authority of the United States were insurrectionary or revolutionary according to circumstances. To his mind, the Union was unbroken, and he should, to the best of his ability, take care that the laws of the Union were faithfully executed in all the States. In doing this there need be no bloodshed, no violence and there should be none unless forced on the national authority. The power confided to him would be used to hold, occupy and possess the property and places belonging to the government, and collect the imposts and duties; but, save what was necessary for this purpose, there would be no invasion, no use of force anywhere.

"In *your* hands, my dissatisfied fellow-countrymen, and not in *mine,* is the momentous issue of civil war. The government will not assail *you.* You can have no conflict without being yourselves the aggressors. *You* have no oath registered in Heaven to destroy the government while I shall have the most solemn one to preserve, protect, and defend it.

"I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."

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